

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION**

b2 b7 [redacted]

Precedence: ROUTINE**Date:** 01/29/2007**To:** Inspection
General Counsel
[redacted]**Attn:** IIS, Room 11861
Attn: NSLB, Room 7975
Attn: CDC/Legal Unit**From:** [redacted]**Contact:** SFOb2
b7E
b6
b7C**Approved By:** [redacted]DATE: 05-25-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-25-2032**Drafted By:** [redacted](U) **Case ID #:** (S) 278-HO-C1229736-VIO [redacted] 2007
(U) 278 [redacted] C136372 - 122 2126 1073946**Title:** (U) INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR WHERE SHOWN OTHERWISE
(U) **Synopsis:** (S) Report of a potential IOB matter.(U) (S) ~~Derived From~~ : G-3
~~Declassify On~~: X1**Details:**

b1 (S) 1. [redacted]

b6

b7C

b2 (S) b6
b7E b7C

Case Agent: [redacted]

Supervisor: SSA [redacted]

b1 (S) 3. [redacted]

b6

b7CJ (S) 4. No Foreign Intelligence Surveillance Act (FISA) request
has been submitted to Office of Intelligence Policy and Review,
Department of Justice (OIPR).

(U) (S) 5. Possible IOB Error: [redacted]

b1 (S) [redacted]

b2

b7E (S) Description of IOB Error (including any reporting delays):

~~SECRET~~sc:mlm Det 4/4/07
CRS [redacted] b6
b7C Am 04/26/07

NSL VIO-1661

uid 02/08/07

~~SECRET~~

b2 (U) To: Inspection From: [REDACTED]
b7E Re: (S) 278-HQ-C1229736-VIO, 01/29/2007

(S) [REDACTED]

This NSL was for toll records [REDACTED]

b1 received from [REDACTED] special Federal Officer [REDACTED]
b6 response from [REDACTED] Division an EC (Serial 302) and a letter
b7C response [REDACTED] and a CD disk. Upon review of the letter
b7D [REDACTED] found that according [REDACTED]
b4 [REDACTED] telephone number was subscribed [REDACTED]
b2 discontinued the service on this telephone number [REDACTED]
b7E Upon further review [REDACTED] found that [REDACTED] had also forward
information on the new subscriber of the telephone number. [REDACTED]
b2 then opened the CD that had been provided [REDACTED] and
b7E discovered that there were [REDACTED] toll calls [REDACTED]

made a copy of [REDACTED] and blacked out the other
phone numbers [REDACTED] The other pages were destroyed.

b1

b2 (S) b7E [REDACTED] contacted SSA [REDACTED] and advised of what had been
b7D returned to him [REDACTED] and Paralegal [REDACTED] of the
b6 Division's Legal Unit.

b7C b6 (S) b7C [REDACTED] contacted [REDACTED] by
b4 b7C telephone [REDACTED] and reported the possible error. [REDACTED]
b7D b7C stated that they had followed the instructions of the NSL that they
b7D had received and advised that [REDACTED] should destroy the CD.

b4

b6 (J) The CD was destroyed on 01/29/2007, by SFO [REDACTED]. The CD was
b7C destroyed by being broken into several pieces and placed in a burn
bag.

b2
b5

~~SECRET~~

~~SECRET~~

To: ^(U) Inspection From:
Re: 278-HQ-C1229736-VIO, 01/29/2007

b2
b7E

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

♦♦

~~SECRET~~

3

NSL VIO-1663

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 02/26/2007

To: [redacted]

Attn: SAC
CDC

b2

b7E

Counterterrorism

Attn: ITOS 1, CONUS IV, Team 15

b6

b7C

Inspection

Attn: IIS

From: General Counsel
NSLB/CTLU I
Contact: SSA [redacted]DATE: 05-25-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
CLASSIFY ON: 05-25-2032

Approved By: Thomas Julie [redacted] 100

(U) Drafted By: [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

2343

Case ID #: (S) 278-HQ-C1229736-VIO (Pending)

(U) Title: (S) INTELLIGENCE OVERSIGHT BOARD (IOB)
b2 MATTER 2007 [redacted](U) Synopsis: (S) The [redacted] Division requested that the
b2 Office of General Counsel (OGC) review a potential Intelligence
b7E Oversight Board (IOB) error and determine whether it is
referable to the IOB. It is the opinion of OGC that the above
matter need not be reported to the IOB. Our analysis
follows.(U) (S) Derived From: G-3
Declassify On: 02/26/2032b2 (U) Reference: (S) 278-HQ-C1229736-VIO, Serial 2126
b7E (S) 278-[redacted] C136372, Serial 122

Details: (S) [redacted]

b1 [redacted]
b6 Pursuant to this investigation, a National Security Letter (NSL)
b7C was issued in accordance with 18 U.S.C. §2709 seeking telephone
b7D toll billing records for [redacted] telephone number [redacted]
b2 [redacted] Unbeknownst to the~~SECRET~~b7E U.S. DOJ REVIEW: [redacted]
b6 FBI INVESTIGATION: [redacted]
b7C OIG/DOJ INVESTIGATION: [redacted]

DATE: 3/26/07

NSL VIO-1664

~~SECRET~~

b2
b7E

(U) To: [REDACTED] From: Office of the General Counsel
Re: (S) 278-HQ-C1229736-VIO, 02/26/2007

(S) b1 b6 b7C b7D case agent. [REDACTED] telephone service was terminated [REDACTED]. Upon reviewing the records supplied [REDACTED] the FBI learned that they contained not only information [REDACTED] was the subscriber to that telephone number but also records related to the individual who was subsequently issued that number [REDACTED] [REDACTED]

(U) b2 b7E (S) Upon discovery of the inadvertently obtained records, FBI [REDACTED] segregated the records and contacted the telephone carrier, who advised the FBI to destroy the records, which was done.

(U) The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 09/13/1993, by Executive Order 12863, the President renamed it the Intelligence Oversight Board (IOB) and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.

(U) Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of the General Counsel (OGC), respectively) report to the IOB intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive. This language has been interpreted to mandate the reporting of any violation of a provision of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights. Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB. The FBI Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

~~SECRET~~

~~SECRET~~

b2 To: [REDACTED] From: Office of the General Counsel
b7E (U) Re: (X) 278-HQ-C1229736-VIO, 02/26/2007

b1

(U) ~~(S)~~ NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention: (1) telephone and email communication records from telephone companies and internet service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709); (2) records of financial institutions (which is very broadly defined) (Right to Financial Privacy Act, 12 U.S.C.S 3414(a)(5)(A)); (3) a list of financial institutions and consumer identifying information from a credit reporting company (Fair Credit Reporting Act, 15 U.S.C.S 1681u(a) and (b)); and (4) full credit report in an international terrorism case (Fair Credit Reporting Act, 15 U.S.C. § 1681v). NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709. [REDACTED]

(S) Here, during an authorized investigation, the FBI properly served an NSL on a telephone carrier requesting telephone toll billing records. In response, the FBI inadvertently received information regarding a subsequent subscriber which was not relevant to the investigation. The FBI identified the problem, and properly sequestered the inadvertently obtained records. The records were subsequently destroyed by the FBI upon the request of the telephone carrier.

(U) Based upon these facts, in accordance with the terms implementing the reporting requirements of Section 2.4 of EO 12863, it is our opinion that this error is not reportable to the IOB. A record of this decision should be maintained in the control file for future review by the Counsel to the IOB.

b2
b7E

(U) Since the inadvertently obtained records were already destroyed by [REDACTED] upon the request of the telephone carrier, no action lead to [REDACTED] is needed.

~~SECRET~~

~~SECRET~~

To: [REDACTED] From: Office of the General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/26/2007

LEAD(s):

b2
b7E

Set Lead 1: (Info)

[REDACTED]
AT [REDACTED]

(U) For information.

Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, D.C.

(U) For information.

Set Lead 3: (Action)

INSPECTION

AT WASHINGTON, D.C.

(U) INSD should retain a record of the report of the potential IOB matter, as well as a copy of the OGC opinion concluding that IOB notification is not required for three years for possible review by the Counsel to the IOB.

cc: Ms. Thomas
b6 [REDACTED]
b7C IOB Library

♦♦

~~SECRET~~

SECRET//20320205

FEDERAL BUREAU OF INVESTIGATION

b7 [] b2

Precedence: ROUTINE**Date:** 02/05/2007**To:** Inspection
General Counsel**Attn:** IIS, Room 11861
Attn: NSLB, Room 7975**From:****Attn:** ASA/CDC**Contact:** SA**Approved By:**DATE: 05-29-2007
CLASSIFIED BY 65179 DMH/KER/JW
REASON: 1, 4 (C)
DECASSIFY ON: 05-29-2032**Drafted By:**(U) **Case ID #:** (S) 278-HO-C1229736-VIO -2150
(S) 62P [] A89455-IOB -19**Title:** (U) SA
b6
b7C

INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE**Synopsis:** (X) To report possible IOB error.(U) (S) **Derived From:** G-3
Declassify On: 02/05/2032**Details:**

(S) 1.

b1

b6

b7C

b2

b7E

b7A

(S) b1 3. Possible IOB Error:

(U)

(X) 4. Description of IOB Error (including any reporting delays).

b1

b6

b7C

b7D

b7A

b4

CRS

(S) On 08/28/2006, a National Security Letter (NSL) to

requesting [] records pertaining to the []

SECRET//20320205

b6
b7C

NSL VIO-1668

b2 (u) To: Inspection From: [redacted]
b7E Re: (X) 278-HQ-C1229736-VIO, 02/05/2007

b1 [redacted]
b6 [redacted]
b7C [redacted] was prepared and approved in accordance with the
Attorney General Guidelines. The NSL was served [redacted]
b7D [redacted]
b2 [redacted]
b7E [redacted]
b7A (S) On 02/01/2007, a preliminary review of the results the
NSL revealed that [redacted] supplied [redacted]
b4 b1 [redacted] This
b7D information was not requested by the FBI. This information was not
utilized by the case agent in any analysis nor was it documented in
b7A the case file.
b4 (S) On 02/01/2007, [redacted] contacted Office of General Counsel
b2 (OGC), FBIHQ, to determine the proper handling of the information
b7E received. Per the advisement of OGC, [redacted] mitigated the errant
b1 information by completely removing pages containing only
b7D [redacted] and redacting [redacted]
b4 on pages containing both requested and non-requested information.
All original pages containing errant information were sent to
[redacted] CDC.

b2

b7E

(U) To: Inspection From:

Re: ~~278-HQ-C1229736-VIO, 02/05/2007~~

~~SECRET//20320205~~

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

♦♦

~~SECRET//20320205~~

3

NSL VIO-1670

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION****Precedence:** ROUTINE**Date:** 03/21/2007**To:** [REDACTED]**Attn:** ASA
CDC
SSA
SA

b2 Inspection

Attn: IIS, CRS [REDACTED]b7E **From:** Office of the General Counsel
b6 CILU/NSLB/OGC/Room 7947
b7C **Contact:** [REDACTED]**Approved By:** Thomas Julie [REDACTED]ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE**Drafted By:** [REDACTED] 83(U) **Case ID #:** (S) 278-HO-C129736-VIO (Pending)
(S) 62P [REDACTED] A89455-IOB (Pending) 31DATE: 05-29-2007
CLASSIFIED BY 65179 DMH/KSR/JU
REASON: 1.4 (C)
DECLASSIFY ON: 05-29-2032(U) **Title:** (S) INTELLIGENCE OVERSIGHT BOARD
b2 MATTER 2007 [REDACTED](U) **Synopsis:** (S) It is the opinion of the Office of the General Counsel (OGC) that this matter is not reportable to the Intelligence Oversight Board (IOB). Rather, it should be maintained in the control file for periodic review by the Counsel to the IOB.

(U) (S) [REDACTED]

Derived From: G-1
Declassify On: 03/21/2037(U) **Reference:** (S) 278-HO-C129736-VIO Serial 2130
(S) 62P [REDACTED] A89455-IOB Serial 19(U) **Details:** (S) By EC dated 02/05/2007, [REDACTED] Field Office
b2 [REDACTED] requested OGC review the facts of the captioned matter
b7E and determine whether it warranted reporting to the IOB. As
detailed further below, this possible IOB error is not reportable
to the IOB.b1
b7D
b7A
b4

(S) On 08/28/2006, a National Security Letter (NSL) [REDACTED]

~~SECRET~~

b6

b7C

OIG/DOJ REVIEW
FBI INVESTIGATI

DATE: 4/19/07

OIG/DOJ INVESTIGATION: [REDACTED]

NSL VIO-1671

~~SECRET~~

b2
b7E

(U) To: [REDACTED] From: Office of the General Counsel
Re: (S) 278-HQ-C1229736-VIO, 03/21/2007

(S)

b1

b7D

b6

b7C

b2

b7E

b7A

b4

b1

b7D

b2

b7E

b7A

b4

[REDACTED] requesting [REDACTED] records
[REDACTED]
[REDACTED] was prepared and
approved in accordance with the Attorney General Guidelines. The
NSL was served [REDACTED]

(S) On 02/01/2007, a preliminary review of the results
the NSL revealed [REDACTED] supplied [REDACTED] This
information was not requested by the FBI. This information was
not utilized by the case agent in any analysis nor was it
documented in the case file. Further, it was sequestered with
[REDACTED] CDC.

(U) The President, by Executive Order (EO) 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 09/13/1993, by EO 12863, the President renamed it the Intelligence Oversight Board (IOB) and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.

(U) Section 2.4 of EO 12863 mandates that the Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of the General Counsel (OGC), respectively) report to the IOB intelligence activities that they have reason to believe may be unlawful or contrary to EO or Presidential Directive. This language has been interpreted to mandate the reporting of any violation of a provision of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights. Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB. The FBI

~~SECRET~~

~~SECRET~~

b2

b7E To: [REDACTED] From: Office of the General Counsel
(U) Re: (S) 278-HQ-C1229736-VIO, 03/21/2007

Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(U)

[REDACTED] NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention: (1) telephone and email communication records from telephone companies and internet service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709); (2) records of financial institutions (which is very broadly defined) (Right to Financial Privacy Act, 12 U.S.C. § 3414(a)(5)(A)); (3) a list of financial institutions and consumer identifying information from a credit reporting company (Fair Credit Reporting Act, 15 U.S.C. §§ 1681u(a) and (b)); and (4) full credit report in an international terrorism case (Fair Credit Reporting Act, 15 U.S.C. § 1681v). NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709.

b1

(S) [REDACTED] ¹ the FBI properly served an NSL [REDACTED]

b1

b7D

b2

b7E

b7A

b4

[REDACTED] provided the information requested and provided information outside the time frame requested. Acquisition of this unrequested information by the FBI is not reportable to the IOB as it is third party error. It should be noted that the FBI's response in receiving the unsolicited material was commendable. Upon learning that the [REDACTED] provided information beyond the scope of the NSL, the FBI sequestered the excess information, did not utilize it in any analysis and did not document it in the case file. The only remaining step to be performed is for [REDACTED] to contact [REDACTED] and ask whether the unrequested information should be returned or destroyed, with appropriate documentation to the file.

(U) Based upon these facts, the bank's mistake is not reportable to the IOB as the FBI has not acted unlawfully or contrary to Executive Order or Presidential Directive. A record of this decision should be maintained in the control file for future review by the Counsel to the IOB.

b1 (S) [REDACTED]

b2

b7E

~~SECRET~~

~~SECRET~~

b2 (U) To: [REDACTED] From: Office of the General Counsel
b7E Re: (X) 278-HQ-C1229736-VIO, 03/21/2007

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) INSD should retain a record of the report of the potential IOB matter, as well as a copy of the OGC opinion concluding that IOB notification is not required, for three years for possible review by the Counsel to the IOB.

Set Lead 2: (Action)

b2
b7E

b2
b7E
b7D
b1
b4

(S) [REDACTED] Field Office should contact [REDACTED] and ask whether the unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.

cc: Ms. Thomas

[REDACTED]
IOB Library

b6
b7C

♦♦

~~SECRET~~

SECRET//20320126

FEDERAL BUREAU OF INVESTIGATION

b2

b7

Precedence: ROUTINE

Date: 01/26/2007

To: Inspection
General CounselAttn: IIS, Room 11861
Attn: NSLB, Room 7975From: Contact: b6
b7C
b2
b7EApproved By: ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE(U) Drafted By: DATE: 05-29-2007
CLASSIFIED BY 68179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-29-2032
- 2142

Case ID #: (S) 278-HQ-C1229736-VTO

b6
b7C(U) title: (U) TFO SSA

(U) INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

Synopsis: (S) To report possible IOB error.

(U)

Derived From: FBI SCG-3 JANUARY, 1997
Declassify On: 01/26/2032

b1

b6

b7C

b7A

b2

b7Eb1

Details: (S) 1. (S) 2. (S) 3. Possible IOB Error:

b2

b7E

4. Description of IOB Error (including any reporting delays). (S)

b1

b6

b7C

b7D

b7A

b2

b7E

IC Miller 04/25/07
8 04/25/07

SECRET//20320126

2007 EC(LHM) sers. 62,63

b6
b7C

NSL VIO-1675

(U) b2 To: Inspection From: [redacted]
b7E Re: (S) 278-HQ-C1229736-VIO, 01/26/2007

b1
b7D
b7A

(S) Due to administrative oversight, an annual Letter Head Memorandum (LHM) was not completed for 2006. During this period of time, the case has been transferred to three different investigators. In November of 2006, investigators used National Security Letters (NSLs) to obtain [redacted] [redacted] plans on [redacted] requesting [redacted] in reference to the results of these NSLs. [redacted] [redacted] [redacted] [redacted] No other investigative activity has occurred in the last year.

b6
b7C
b1
b2
b7E
b7A

[redacted] initiated [redacted]

Extended [redacted] expt

(S)

b1
b2
b7E

* '05 Annual LHM due 02/17/05-
Not submitted.

* '06 Annual LHM due 02/17/05-
Not submitted.

'07 Annual LHM submitted
02/01/07.

SECRET//20320126

b2
b7E^W To: Inspection From:
Re: ~~ME~~ 278-HQ-C1229736-VIO, 01/26/2007
LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

♦♦

SECRET//20320126

3

NSL VIO-1677

SECRET//20320209

FEDERAL BUREAU OF INVESTIGATION

b2 07

Date: 02/09/2007

Precedence: ROUTINE

To: Inspection
General Counsel
[redacted]Attn: IIS, Room 11861
Attn: NSLB, Room 7975Attn: ASAC
CDC
[redacted]

From: [redacted]

Contact: SA [redacted]

b2
b7E
b6
b7C J)

Approved By: [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Drafted By: [redacted]

Case ID #: (S) 278-HO-C1229736-VIO -2159
(S) 62F [redacted] A89455-IOB -21DATE: 05-29-2007
CLASSIFIED BY 65179 DMH/KSE/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-29-2032Title: (U) SA
b6
b7CSSA [redacted]
INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

(U) Synopsis: (X) To report possible IOB error.

(U) (S) Derived From: G-3
Declassify On: 02/09/2032

Details:

(S) b1

b6

(S) b7C

(U) (S) b7A

b2

(S) b7E

(U) (X) b2

b7E

Possible IOB Error: [redacted]

Description of IOB Error (including any reporting
delays).

(S) On 08/28/2006 a National Security Letter (NSL) [redacted]

b1

b7D

b6

b7C

b7A

b4

Miller 07/11/07

Kao 04/26/07

SECRET//20320209

b6
b7C

NSL VIO-1678

~~SECRET//20320209~~

b2 To: Inspection From: [redacted]
b7E Re: (S) 278-HQ-C1229736-VIO, 02/09/2007

b1

b6

b7C

b7A

b2

3) [redacted] was prepared and approved in accordance with the Attorney General Guidelines [redacted]

b7E

b4

b7D

(S) On 02/09/2007, a preliminary review of the results the NSL revealed that [redacted] supplied [redacted] not requested by the FBI. This information was case agent in any analysis nor was it documented in the case file.

(S) Based upon prior advisement to [redacted] by the Office of General Counsel (OGC), FBIHQ, in regard to the proper handling of such information received [redacted] mitigated the errant information by redacting [redacted] original pages containing errant information were sent to the [redacted] All [redacted] CDC.

b1

b2

b7E

~~SECRET//20320209~~

2

NSL VIO-1679

~~SECRET//20320209~~

(U) To: Inspection From:
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/09/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

b2 (U) For action deemed appropriate.

b7E **Set Lead 2: (Action)**

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 3: (Action)

(U) To report possible IOB violation.

♦♦

~~SECRET//20320209~~

3

NSL VIO-1680

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 3/19/07

To: [REDACTED]

Attn: ASAC
CDCCounterintelligence
Inspection

Attn: AD

Attn: IIS, CRS

b2

b7E

b6

b7C

From: General Counsel
National Security Affairs/Room 7974
Contact: Julie F. ThomasALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Approved By: Thomas Julie F. [REDACTED]

DATE: 05-29-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-29-2032

Drafted By: [REDACTED]

(U) Case ID #: (S) 278-HO-C1229736-VIO-3686
(S) 62F [REDACTED] A89455-103(U) Title: (S) POSSIBLE INTELLIGENCE OVERSIGHT BOARD MATTER
2007- [REDACTED]

(U)

Synopsis: (S) It is the opinion of the Office of the General Counsel (OGC) that no error was committed in this matter, and therefore nothing need be reported to the IOB. A record of this decision should be maintained in the investigation control file for review by the Counsel to the IOB.

(U) Derived from: G-3
Declassify On: X1

(U)

b2

b7E

Reference: (S) 278-HO-C1229736-VIO Serial 2159
(S) 62F [REDACTED] A89455-IOB Serial 21

b1

b6

b7C

b7A

b2

b7E

b6

b7C

OIG/DOJ REVIEW:

FBI INVESTIGATION

OIG/DOJ INVESTIGATION

~~SECRET~~

DATE: 4-19-07

(102)

NSL VIO-1681

~~SECRET~~

b2

b7E

(S) To: [REDACTED] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 3/19/07

Issued [REDACTED]

b1

b6

b7C

b7A

b4

b1

b7D

b2

b7E

(S) When the [REDACTED] Field Office [REDACTED] reviewed the records [REDACTED] there were [REDACTED] [REDACTED] which was prior to the time period requested in the NSL.

(U) ~~(S)~~ The original documents reflecting the information which was not requested have been forwarded to [REDACTED] CDC and sequestered. Redacted copies which only reflect information requested by the NSL will be retained for the case file.

(U) ~~(S)~~ The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 9/13/1993, by Executive Order 12863, the President renamed it the Intelligence Oversight Board (IOB) and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.

(U) Section 2.4 of Executive Order (E.O.) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential Directive." This language has been interpreted to mandate the reporting of any violation of The Attorney General's Guidelines for

(S)

b1

b7D

b4

~~SECRET~~

~~SECRET~~

b2
b7E

To: [REDACTED] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 3/19/07

FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with E.O. 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights. Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB. The FBI Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(U) ~~(S)~~ NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention: (1) telephone and email communications record from telephone companies and internet service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709; (2) records of financial institutions (which is very broadly defined) (Right to Financial Privacy Act, 12 U.S.C. § 3414(a)(5)(A); (3) a list of financial institutions and consumer identifying information from a credit reporting company (Fair Credit Reporting Act, 15 U.S.C. §§ 1681u(a) and (b); and (4) full credit report in an international terrorism case (Fair Credit Reporting Act, 15 U.S.C. § 168v). NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709. [REDACTED]

b1

~~(S)~~ Here, during an authorized investigation, the FBI properly served an NSL [REDACTED] In response to the properly served NSL, the FBI obtained [REDACTED] records containing information beyond what it is legally authorized to receive. The FBI, having ascertained that [REDACTED]

b1
b7D
b4

[REDACTED] were beyond the scope of the NSL, forwarded the unasked for information to the CDC for sequestering and redacted their files to reflect only information responsive to the NSL.

b2
b7E

~~(S)~~ By agreement with the Counsel to the IOB, it is our opinion that this error is not reportable to the IOB. A record of this decision should be maintained in the control file for future review by the Counsel to the IOB.

~~SECRET~~

~~SECRET~~

To: [REDACTED] From: Office of the General Counsel
b2 Re: 278-RQ-C1229736-VIO, 3/19/07
b7E

Set Lead 1: (Action)

[REDACTED]
AT [REDACTED]

b1 (S) Return original documents which reflect
b7D information beyond the scope of the NSL to [REDACTED]
b4 [REDACTED]

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 3: (Info)

INSPECTION

AT WASHINGTON, DC

(U) Read and clear.

b6 1-Ms. Thomas
b7C 1 [REDACTED]
1 [REDACTED]
1 [REDACTED] LIBRARY

♦♦

~~SECRET~~

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION****Precedence:** ROUTINE**Date:** 02/16/2007

b2

To: ✓ Inspection**Attn:** IIS

General Counsel

Room 11861

Attn: NSLB

Room 7975

From: [REDACTED]

Chief Division Counsel

Contact: [REDACTED]

b2

b7E

b6

b7C

Approved By: [REDACTED]SA
SSA(U) **Drafted By:** [REDACTED]

Case ID #: (S) 278-HQ-C1229736-VIO - 2164

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE(U) **Title:** (S) Intelligence Oversight Board (IOB) error(U) **Synopsis:** (S) To report possible IOB error.DATE: 05-29-2007
CLASSIFIED BY 65179 DMH/KSP/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-29-2032(U) (S) Derived From: G-3
Declassify On: X1

b1

Details: (S) 1. [REDACTED]

b6

b7C

b7A

b2

b7E

(S) 2. Potential IOB error: An NFIPM section
reference: carrier error in providing agent with information not
authorized by NSL.(S) 3. Description of potential IOB error: (In
accordance with an approved ECPA National Security letter dated
01/17/2007 [REDACTED] returned to [REDACTED]
Division [REDACTED] records for telephone number [REDACTED]

b1

b7A

b6

b7C

b7D

b2

b7E

b4

b5

b6

b7C

~~SECRET~~02/11/07
4/24/07
4/25/07

NSL VIO-1685

~~SECRET~~

b2 To: Inspection From: [redacted]
b7E Re: (S) 278-HQ-C1229736-VIO, 02/16/2007

(S)

however, returned [redacted] records for three individuals, including [redacted], who have subscribed to the telephone number [redacted] the subscriber for [redacted] was listed [redacted]. [redacted] there were two additional individuals (not FBI subjects) who have subscribed to the telephone number [redacted]. Upon receipt of those additional records from [redacted] records were not reviewed or acted upon and no lead information was developed by the [redacted] Division. The subscriber and [redacted] information for the two additional individuals (not including the subject [redacted] were provided to the Chief Division Counsel for maintenance in his safe.

(U) 4. The Office of General Counsel guidance per EC dated 11/16/2006, provides that an over-collection of this type must be reported as a potential IOB violation.

(U) 5. [redacted] therefore, is reporting this b2 incident to OGC and the Inspection Division. Due to the fact b7E that no investigative activity was conducted as a result of the over-capture, Philadelphia does not believe this incident to be a reportable IOB violation.

(S) 6. Due to the fact that this was an error on the b1 part of [redacted] and was not the result of agent error, b7D SAC [redacted] recommends no administrative action be taken b2 b7E regarding this matter. b4

~~SECRET~~

~~SECRET~~

b2 (U) To: Inspection From:
b7E Re: (S) 278-HQ-C1229736-VIO, 02/16/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

♦♦

~~SECRET~~

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION****Precedence:** ROUTINE**Date:** 02/16/2007**To:** Inspection**Attn:** IIS
Room 11861
Attn: NSLB
Room 7975

General Counsel

From: [redacted]

Chief Division Counsel

Contact: [redacted]b2
b7E
b6
b7C**Approved By:** [redacted]ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE**Drafted By:** [redacted]DATE: 05-29-2007
CLASSIFIED BY 65179 DMG/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-29-2032(U) **Case ID #:** (S) 278-HQ-C1229736-VIO-2164(U) **Title:** (S) Intelligence Oversight Board (IOB) error(U) **Synopsis:** (S) To report possible IOB error.(U) (S) **Derived From :** G-3
Declassify On: X1b1
b6
b7C
b7A
b2
b7E**Details:** (S) 1 [redacted]

(S) 2. Potential IOB error: An NFIPM section reference: carrier error in providing agent with information not authorized by NSL.

(S) 3. Description of potential IOB error: (In accordance with an approved ECPA National Security letter dated 01/17/2007, [redacted] returned to the [redacted] Division [redacted] records for telephone number [redacted])

b1
b7A
b6
b7C
b7D
b2
b7E
b4~~SECRET~~

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION****Precedence:** ROUTINE**Date:** 03/12/2007**To:** **Attn:** SAC
CDC

Counterterrorism

Attn: ITOS1, CONUS 1, b2
b7E
b6
b7C

Inspection

Attn: IIS**From:** Office of General Counsel/
NSLB/CTLU I
Contact: UC **Approved By:** Thomas Julie F **Drafted By:**

503

(U)

b1
b7E
b2**Case ID #:** (S) 278-HQ-C1229736-VIO (Pending)
(S) (Pending)**Title:** (S) INTELLIGENCE OVERSIGHT BOARD
IOB MATTER 2007 **(U) Synopsis:** (S) It is the opinion of the Office of the General Counsel (OGC) that the above referenced matter need not be reported to the Intelligence Oversight Board (IOB). Our analysis follows.

(U)

(S)

~~Derived From:~~ G-3~~Declassify On:~~ 03/12/2032

(U)

Reference: (S) 278-HQ-C1229736-VIO Serial 2164b1
b6
b7C
b7A
b2
b7E**Details:** (S) By electronic communication ("EC") dated February 16, 2007, the Division reported a potential IOB error in conjunction with its ongoing counterterrorism investigations a United States Person as that term is defined in The Attorney General's Guidelines for FBIDATE: 05-29-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-29-2032~~SECRET~~ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISEb6
b7COIG/DOJ REVIEW
FBI INVESTIGATION
OIG/DOJ INVESTIGATION:DATE: 4-17-07
(b)

NSL VIO-1691

~~SECRET~~

(U) b2 To: [REDACTED] From: Office of General Counsel
b7E Re: (S) 278-HQ-C1229736-VIO, 03/12/2007

(S) Investigations and Foreign Intelligence Collection ("NSIG" or "the Guidelines").¹

(S) By way of background, on January 17, 2007 [REDACTED] issued an approved ECPA National Security Letter ("NSL") [REDACTED] for telephone number [REDACTED] records of subscriber [REDACTED] The NSL did not list the subscriber name, only telephone number. The subscriber information were adequately verified [REDACTED] and [REDACTED] prior to the issuance of the NSL letter. [REDACTED] b1 [REDACTED] returned [REDACTED] records for three individuals, including b7A [REDACTED] Unbeknownst to the case b7D agents, [REDACTED] b6 [REDACTED] the telephone number, two additional b7C individuals (not FBI subjects) subscribed to telephone number, b7E b2 [REDACTED] and [REDACTED] provided their [REDACTED] b4 records as well. Upon receipt of the additional records from b7E the case agents notified their Chief Division Counsel ("CDC") whereby the CDC directed [REDACTED] records be sequestered and held in his safe. The additional records were not reviewed [REDACTED] nor was any lead information generated by [REDACTED]

(S) As required by Executive Order (E.O.) 12863 and b7D Section 2-56 of the National Foreign Intelligence Program Manual ("NFIPM"), OGC was tasked to determine whether b2 receipt of additional subscriber [REDACTED] records from b7E [REDACTED] is a matter which must be reported to the IOB. b4

(U) Section 2.4 of E.O. 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community Components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive." This language was adopted verbatim from E.O. 12334, dated 12/04/1981, when the IOB was

b2 (U) See, referenced EC from the [REDACTED] to the
b7E General Counsel, dated February 16, 2007, Case ID# 278-HQ-C1229736-VIO Serial 2164, titled "Intelligence Oversight Board (IOB) Error."

~~SECRET~~

~~SECRET~~

(U) To: [REDACTED] From: Office of General Counsel
b2 Re: (S) 278-HQ-C1229736-VIO, 03/12/2007
b7E

known as the President's Intelligence Oversight Board ("PIOB"). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the NSIGs, or other guidelines or regulations approved by the Attorney General in accordance with E.O. 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. Violations of provisions that are essentially administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

(U) (S) NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention: (1) telephone and email communication records from telephone companies and internet service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709); (2) records of financial institutions (which is very broadly defined) (Right to Financial Privacy Act, 12 U.S.C.S 3414(a)(5)(A)); (3) a list of financial institutions and consumer identifying information from a credit reporting company (Fair Credit Reporting Act, 15 U.S.C. §§ 1681u(a) and (b)); and (4) full credit report in an international terrorism case (Fair Credit Reporting Act, 15 U.S.C. § 1681v). NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709. [REDACTED]

b1 (S) In this instance, [REDACTED] properly served an NSL requesting subscriber [REDACTED] records [REDACTED] b1 b7D b2 b7E b4 [REDACTED] Though no fault of the FBI or [REDACTED] the NSL only listed the telephone number, therefore [REDACTED] provided [REDACTED] with records beyond the scope of the NSL.

b1 (S) Based on our analysis, the over collection of [REDACTED] records was not reportable to the IOB as the FBI has not b6 acted unlawfully or contrary to Executive Order or Presidential Directive. The FBI adequately verified, prior to issuing the b7C NSL, [REDACTED] was in use of the telephone number listed on the NSL.

b2 b7E b7A b4

~~SECRET~~

~~SECRET~~

(U) b2

b7E To: [REDACTED]

From: Office of General Counsel

Re: (S) 278-HQ-C1229736-VIO, 03/12/2007

(S) b1
b2 [REDACTED]

b4
b7D
b2
b7E

~~(S)~~ Since the additional records in this instance are not relevant to the authorized investigation, [REDACTED] should contact [REDACTED] and ask whether the unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.

(U) Based upon these facts, in accordance with the terms implementing the reporting requirements of Section 2.4 of EO 12863, it is our opinion that this error is not reportable to the IOB. A record of this decision should be maintained in the control file for future review by the Counsel to the IOB.

~~SECRET~~

~~SECRET~~

(U) b2 To: [REDACTED] From: Office of General Counsel
b7E Re: [REDACTED] (S) 278-HQ-C1229736-VIO, 03/12/2007

LEAD(s):

Set Lead 1: (Action)

b2
b7E
b4
b7D
b2
b7E

(S) [REDACTED] (X) [REDACTED] Field Office should contact [REDACTED] and ask whether the irrelevant unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.

Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

INSPECTION

AT WASHINGTON, DC

(U) INSD should retain a record of the report of the potential IOB matter, as well as a copy of the OGC opinion concluding that IOB notification is not required for three years for possible review by the Counsel to the IOB.

cc: Ms. Thomas
b6 [REDACTED]
b7C IOB Library

♦♦

~~SECRET~~

~~SECRET~~

R

FEDERAL BUREAU OF INVESTIGATIONb2 07 **Precedence:** PRIORITY**Date:** 02/21/2007**To:** General Counsel
Inspection
Charlotte**Attn:** NSLB
Attn: IIS
Attn: SAC [redacted]
ASAC [redacted]
SSA [redacted]
CDC [redacted]**From:** Charlotte
Raleigh Resident Agency
Contact: SA [redacted]b6
b7C
b2**Approved By:** [redacted] [redacted](U) **Drafted By:** [redacted] [initials](S) **Case ID #:** (S) 278-HQ-C1229736-VIO (Pending)(U) **Title:** (S) INTELLIGENCE OVERSIGHT BOARD (IOB) VIOLATION
FBIHQ - CHARLOTTE DIVISION**Synopsis:** (U) Report of a potential Intelligence Oversight Board (IOB) matter.(U) (S) **Derived From:** G-3
Declassify On: 02/21/2032

(U)

b1
b2
b7E**Reference:** (S) 278-HQ-C1229736 Serial 0270(S)
(S)**Enclosure(s):** (U) Enclosed for NSLB and IIS are the following:
One copy of a series of e-mails (3 pages) to include
b6 an e-mail from [redacted] to ASC [redacted], et al,
b7C FBIHQ, CTD, dated 07/21/2005.b1
b6
b7C
b2
b7E**Details:** (S) [redacted]

[redacted]

SCHWEER 02/24/07
CRS [redacted] XAS 02/25/07~~SECRET~~

b6

b7C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISEDATE: 05-29-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-29-2032

NSL VIO-1696

(U) To: General Counsel From: Charlotte
Re: (S) 278-HQ-C1229736-VIO, 02/21/2007

b1

(S)

(S)

(S) As a result of investigation

07/07/2005,

b1

b6

b7C

(S)

(S) (X) On or about 07/13/2005, SA [REDACTED] coordinated with United States Attorney's Office (USAO), Eastern District of North Carolina (EDNC), Chief of Criminal, [REDACTED] to obtain a Grand Jury subpoena [REDACTED]

(S)

SA [REDACTED] went to [REDACTED] and met with Associate General Counsel [REDACTED] SA [REDACTED] served the subpoena and had some records in hand when he received a call from SSRA [REDACTED] SSRA [REDACTED] had been notified by FBIHQ, ITOS I, CONUS II, Team 6, b6 b7C that we were not to utilize a Grand Jury subpoena and that we must obtain a National Security Letter (NSL). Therefore, SA b1 [REDACTED] returned the records to [REDACTED]

(S)

(X) SSRA [REDACTED] advised FBIHQ that our SAC, [REDACTED] was TDY out of the Division and therefore we would need to complete an EC addressed to General Counsel requesting an NSL be approved at FBIHQ. SSRA [REDACTED] was then instructed by FBIHQ, ITOS I, CONUS II, that Charlotte would be required to draft the NSL, due to time constraints, and then obtain approval from a neighboring division's SAC. SA [REDACTED] then drafted an NSL to obtain the student records [REDACTED] and forwarded the NSL to SSRA [REDACTED] for review. The NSL was then forwarded by SSRA [REDACTED] to SAC [REDACTED] [REDACTED] Division, for approval.

(S) b1 (X) [REDACTED] served the NSL at [REDACTED] Agent b6 does not recall b7C

~~SECRET~~

~~SECRET~~

To: General Counsel From: Charlotte
(U) Re: (S) 278-HQ-C1229736-VIO, 02/21/2007

b1 (S) b6 the individual's name to whom the NSL was given. TFA [redacted] was
b7C (S) advised that the NSL was not the appropriate documentation to
receive [redacted] records [redacted] declined to honor the NSL.

b1 (S) b6 (S) b7C (S) SSRA [redacted] then contacted CDC [redacted] Charlotte Division, for guidance concerning the matter and the
questioned legality of the NSL [redacted] CDC [redacted] then conferred with legal counsel [redacted] and FBIHQ, OGC,
concerning the matter. SSRA [redacted] also contacted ASAC [redacted] [redacted] Charlotte Division, who in turn was also in contact
with FBIHQ.

b1 (S) b2 (S) b7E (S) b6 (S) b7C (S) Subsequently, SSRA [redacted] was advised by FBIHQ that
a Grand Jury subpoena would be obtained [redacted] which was the office of origin on the
matter, and the Grand Jury subpoena would be forwarded to
the Raleigh RA for service on [redacted]

(S) (X) On 07/15/2005, the Raleigh RA received a copy of
the Grand Jury subpoena [redacted] SA [redacted] and SA [redacted]
b1 (S) b6 (S) b7C (S) b2 (S) b7E (S) b3 (S) b7C (S) SA [redacted] served [redacted] with the Grand Jury subpoena [redacted] After [redacted] resistance
to comply, SA [redacted] advised [redacted] that he had been served.
SSRA [redacted] was in contact with [redacted] advising of [redacted]
reluctance to honor the Grand Jury subpoena and at this time [redacted]
contacted [redacted] concerning the matter.
Approximately one hour later, [redacted] contacted the Raleigh RA and
advised that the records were waiting for our retrieval.

~~SECRET~~

~~SECRET~~

(U) To: General Counsel From: Charlotte
Re: (S) 278-HQ-C1229736-VIO, 02/21/2007

LEAD(s):

Set Lead 1: (Discretionary)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) NSLB; For information and action deemed appropriate.

Set Lead 2: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) IIS; For information and action deemed appropriate.

♦♦

~~SECRET~~

b6 From: [REDACTED] (CTD) (FBI)
b7C Sent: Thursday, July 21, 2005 5:23 PM
b1 To: [REDACTED] (CE) (FBI)
(S) Subject: RE: Facts on [REDACTED] needed re [REDACTED] NSL letter ASAP

(S)

~~UNCLASSIFIED
NON-RECORD~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Thanks for the rapid response.

b6
b7C

DATE: 05-29-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-29-2032

-----Original Message-----

From: [REDACTED] (CE) (FBI)
Sent: Thursday, July 21, 2005 5:17 PM
To: [REDACTED] (CTD) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (CTD) (FBI);
b6 [REDACTED] (CTD) (FBI);
b7C [REDACTED] (CTD) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (CE)
b1 [REDACTED] (FBI); [REDACTED] (CID) (FBI)
(S) Subject: RE: Facts on [REDACTED] needed re [REDACTED] NSL letter ASAP

~~UNCLASSIFIED
NON-RECORD~~

(S)

(S)

b6
b7C

(S)

We originally were in the process of obtaining a subpoena in the EDNC for the [REDACTED] records along with a sealed court order to be issued by Judge Boyle, (EDNC). This process was stopped at the direction of FBIHQ, CTD, and I was told that we needed to serve an NSL. We prepared the NSL and it was e-mailed to SAC [REDACTED] Atlanta Division, signed and returned. Our SAC [REDACTED] is currently TDY at FBIHQ. The NSL was then served on [REDACTED] and their legal counsel advised that he would not accept/honor the NSL because the NSL was only for [REDACTED]

b1 We had our CDC and FBIHQ involved in this throughout the process.
b3 FGJ

b6 FBIHQ, ITOS I, then advised [REDACTED] Division would be forwarding us a GJ subpoena to serve. We obtained the GJ subpoena [REDACTED] late Friday afternoon and served it on the attorney [REDACTED] He initially declined to honor the subpoena because he stated that we should have presented him with a court order under the Patriot Act and also that he wanted each individual who had records [REDACTED] to be named in the subpoena. He also made some additional remarks that I will not go into at this time. Bottom line is we told him to consider himself served and provided him with the subpoena. A/SAC [REDACTED] also contacted [REDACTED] concerning the matter at this point. About one hour later the [REDACTED] attorney called our office and advised the documents were ready to be picked up.

(b7E)

This process delayed us approximately one day in obtaining the records. However, it occupied a great deal of my time and more importantly the time of two agents who could have been focusing on the investigation at hand. I would agree with the obvious, that administrative subpoena power in the field involving CT matters may be the single most important tool that the agents could use to improve/expedite their investigations.

If you require any additional info please let me know.

Thanks [REDACTED]

b6
b7C

12/19/2006

NSL VIO-1700

~~SECRET~~

~~SECRET~~

-----Original Message-----

From: [REDACTED] (CTD)(FBI)

Sent: Thursday, July 21, 2005 3:55 PM

b6 **To:** [REDACTED] (CTD)(FBI); [REDACTED] (CTD)(FBI); [REDACTED] (CE)

b7C [REDACTED] (FBI); [REDACTED] (CTD)(FBI)

b1 [REDACTED] (CTD)(FBI); [REDACTED] (CTD)(FBI); [REDACTED] (CTD)(FBI); [REDACTED]

(S) [REDACTED] (CE) (FBI)

Subject: FW: Facts on [REDACTED] needed re [REDACTED] NSL letter ASAP

Importance: High

~~UNCLASSIFIED~~
~~NON-RECORD~~

[REDACTED] - Is the below true? Did we go NSL first and then GJS? Pls respond by e-mail.

[REDACTED] Anyone with full knowledge to get this back to [REDACTED] by e-mail?

b6 [REDACTED]

b7C [REDACTED]

b2 [REDACTED]

International Terrorism Ops Section 1

CTD/FBIHQ [REDACTED]

-----Original Message-----

From: [REDACTED] (CTD)(FBI)

Sent: Thursday, July 21, 2005 3:10 PM

b6 **To:** [REDACTED] (CTD)(FBI); [REDACTED] (CTD)(FBI)

b7C [REDACTED] (CTD)(FBI); [REDACTED] (CTD)(FBI)

b1 (S) [REDACTED] (DO)(FBI); [REDACTED] (CTD)(FBI); [REDACTED] (CTD)(FBI); [REDACTED]

Subject: Facts on [REDACTED] needed re [REDACTED] NSL letter ASAP

Importance: High

~~UNCLASSIFIED~~
~~NON-RECORD~~

(S) I just got a call from [REDACTED] of OCA. The Director has requested a write up on the circumstances surrounding the NSL letter issued to [REDACTED]

(S) It is the Director's understanding that an NSL letter was issued to [REDACTED] [REDACTED] in connection with the London bombing. [REDACTED] would not honor the NSL letter and because of this the FBI had to issue them a Grand Jury subpoena.

b6 (S)

b7C

b1

The Director would like to use this as an example tomorrow as to why we need administrative subpoenas's to fight the war on terror. In particular, he would like to know how much extra time was spent having to get the Grand Jury subpoena.

Please provide me with an e-mail regarding the particular facts of this incident. Just one paragraph in e-mail form will be sufficient.

12/19/2006

~~SECRET~~

NSL VIO-1701

[REDACTED] (CE) (FBI)

~~SECRET~~

From: [REDACTED] (INSD) (FBI)
Sent: Thursday, January 04, 2007 2:42 PM
To: [REDACTED] (CE) (FBI) [REDACTED] (INSD) (FBI)
Cc: [REDACTED] (CE) (FBI)
Subject: RE: Charlotte NSL Issue

b6
b7C

UNCLASSIFIED
NON-RECQRD

[REDACTED]
b6 'es [REDACTED] can call [REDACTED] We have no problem with that at all. The OIG can call anyone directly, just keep us
b7C 1 the loop as to what transpires. Would it be helpful to send you a copy of what we sent the OIG?

b1 Just to give you a little information, we sent the following:
b2 [REDACTED]

b7E 1) E-mail dated 12/19/06 to [REDACTED] from [REDACTED] re: FW: Facts on [REDACTED] needed re [REDACTED] NSL letter
(S) ASAP.
2) 7/15/05 EC from Charlotte to CTD [REDACTED] et. Al re: [REDACTED]
(S) 3) 7/14/05 EC from Charlotte to CTD and OGC re: [REDACTED]
(S) 4) 7/14/05 letter from [REDACTED] to [REDACTED] re: [REDACTED]

If you would like a copy, please let me know and I can send one ASAP to your office.

Thanks.

(S)

b6 702) 324 [REDACTED]

b7C

-----Original Message-----

From: [REDACTED] (CE) (FBI)
Sent: Wednesday, January 03, 2007 12:34 PM
To: [REDACTED] (INSD) (FBI); [REDACTED] (INSD) (FBI)
Cc: [REDACTED] (CE) (FBI)
Subject: Charlotte NSL Issue

b6
b7C

UNCLASSIFIED
NON-RECORD

(S) [REDACTED] Regarding the NSL issue involving our Division and [REDACTED] one of our Agents [REDACTED]
b6 [REDACTED] received a call from [REDACTED] of the IGs office, inquiring about the matter. I contacted [REDACTED] and she
b7C advised that your office had forwarded documents and e-mails regarding the matter to OIG. I'm assuming by that, that
you have studied the matter and we are responding to the inquiry. Should I have SA [REDACTED] call [REDACTED] and detail his
b1 recollections of the matter? He's glad to do it, but I wanted to check with you first to make sure that was what you
wanted us to do.

Also, would you please let me know what documents and information was furnished to OIG? I would appreciate it.

Thanks.

[REDACTED]
b6 04/ [REDACTED]
b7C

UNCLASSIFIED

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 05-29-2007
CLASSIFIED BY: 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-29-2032

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION****Precedence:** ROUTINE**Date:** 03/13/2007**To:** Charlotte**Attn:** SAC
CDC

Counterterrorism

Attn: ITOS 1, CONUS 2, Team 8

Inspection

Attn: IIS**From:** Office of General Counsel/
NSLB/CTLU I
Contact: UC [redacted]

b6 **Approved By:** Thomas Julie [redacted]
 b7C
 b2 **Drafted By:** [redacted] 3205
 (U) **Case ID #:** (S) 278-HQ-C1229736-VIO (Pending)

(U) **Title:** (S) INTELLIGENCE OVERSIGHT BOARD
 b2 IOB MATTER 2007 [redacted]

(U) **Synopsis:** (S) It is the opinion of the Office of General Counsel (OGC) that the above-referenced matter must be reported to the IOB and to the Inspection Division. OGC will prepare and deliver the required correspondence to the IOB. Our analysis follows.

(U) **Derived From:** G-3
 Declassify On: 03/07/2032

(U) **Reference:** (S) 278-HQ-C1229736-VIO Serial 2180

b1 **Details:** (S) [redacted]
 b6 [redacted]
 b7C [redacted]
 b2 (S) [redacted]
 b7E [redacted]
 b1 07/07/2005 [redacted]
 b6 [redacted]
 b7C [redacted]

~~SECRET~~

b6 **OIG/DOJ REVIEW:** [redacted]
 b7C **FBI INVESTIGATION:** [redacted]
OIG/DOJ INVESTIGATION: [redacted]

DATE: 4/19/07

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED EXCEPT
 WHERE SHOWN OTHERWISE

DATE: 05-29-2007
 CLASSIFIED BY 65179 PMH/KSP/JW
 REASON: 1.4 (C)
 DECLASSIFY ON: 05-29-2032

NSL VIO-1703

~~SECRET~~

(U) To: Charlotte From: Office of General Counsel
Re: (S) 278-HQ-C1229736-VIO, 03/13/2007

(S)

b1
b6
b7C

(S)

(S) (X) On or about 07/13/2005, SA [REDACTED] coordinated with United States Attorney's Office (USAO), Eastern District of North Carolina (EDNC), Chief of Criminal, [REDACTED] to obtain a Grand Jury subpoena [REDACTED]

(S) [REDACTED] After receiving the subpoena, SA [REDACTED] went to [REDACTED] and met with [REDACTED] SA [REDACTED] served the subpoena and had some records in hand when he b1 received a call from SSRA [REDACTED]. SSRA [REDACTED] had b6 been notified by FBIHQ, ITOS I, CONUS II, Team 6, that the b7C field office was not to utilize a Grand Jury subpoena but must obtain a National Security Letter (NSL). Therefore, SA [REDACTED] returned the records [REDACTED]

(S) (X) SSRA [REDACTED] advised FBIHQ that their SAC, [REDACTED] was TDY out of the Division and therefore FBIHQ would need to complete an EC addressed to General Counsel requesting an NSL be approved at FBIHQ. SSRA [REDACTED] was then instructed by FBIHQ, ITOS I, CONUS II, that Charlotte would be required to draft the NSL, due to time constraints, and then obtain approval from a neighboring division's SAC. SA [REDACTED] then drafted an NSL to obtain [REDACTED] and forwarded the NSL to SSRA [REDACTED] for review. The NSL was then forwarded by SSRA [REDACTED] to SAC [REDACTED] Atlanta Division, for approval.

(S) (X) On or about 07/14/2005, JTTF Task Force Agent [REDACTED] served the NSL [REDACTED] requesting [REDACTED] b1 TFA [REDACTED] does not recall b6 the individual's name to whom the NSL was given. TFA [REDACTED] b7C was advised [REDACTED] that the NSL was not the appropriate

~~SECRET~~

~~SECRET~~

(U) To: Charlotte From: Office of General Counsel
Re: (S) 278-HQ-C1229736-VIO, 03/13/2007

b1 (S) documentation [redacted] declined
b6
b7C to honor the NSL.

b6 (U) SSRA [redacted] then contacted Acting CDC [redacted]
b7C [redacted] Charlotte Division, for guidance concerning the matter
b1 and the questioned legality of the NSL for [redacted]
S) CDC [redacted] then conferred with legal counsel [redacted] and FBIHQ,
OGC, concerning the matter. SSRA [redacted] also contacted ASAC
[redacted] Charlotte Division, who in turn was also in
contact with FBIHQ.

b1 (S) (U) Subsequently, SSRA [redacted] was advised by FBIHQ
b3 that a Grand Jury subpoena would be obtained [redacted]
b6 [redacted] which was the office of origin
b7C [redacted] on [redacted] matter, and the Grand Jury subpoena would be
b2 forwarded to the Raleigh RA for service on [redacted]

b7E (S) (X) On 07/15/2005, the Raleigh RA received a copy of
the Grand Jury subpoena [redacted]
b1 SA [redacted] and
b3 SA [redacted] served [redacted] with the Grand Jury subpoena [redacted]
b6 After [redacted]
b7C resistance to comply, SA [redacted] advised [redacted] that he had
b2 been served. SSRA [redacted] was in contact with ASAC [redacted]
b7C advising [redacted] reluctance to honor the Grand Jury subpoena
b2 and at this time [redacted] contacted the [redacted]
b7E concerning the matter. Approximately one hour later, [redacted]
contacted the Raleigh RA and advised that the records were
waiting for FBI retrieval.

(U) The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 09/13/1993, by Executive Order 12863, the President renamed it the Intelligence Oversight Board (IOB) and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.

(U) Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of the General Counsel (OGC), respectively) report to the IOB intelligence activities that they have reason to

~~SECRET~~

~~SECRET~~

(U) To: Charlotte From: Office of General Counsel
Re: (S) 278-HQ-C1229736-VIO, 03/13/2007

believe may be unlawful or contrary to Executive Order or Presidential Directive. This language has been interpreted to mandate the reporting of any violation of a provision of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights. Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB. The FBI Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(U) (S) NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention: (1) telephone and email communication records from telephone companies and internet service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709); (2) records of financial institutions (which is very broadly defined) (Right to Financial Privacy Act, 12 U.S.C. § 3414(a)(5)(A)); (3) a list of financial institutions and consumer identifying information from a credit reporting company (Fair Credit Reporting Act, 15 U.S.C. §§ 1681u(a) and (b)); and (4) full credit report in an international terrorism case (Fair Credit Reporting Act, 15 U.S.C. § 1681v). NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709. [redacted]

b1 [redacted]

(U) (S) In this instance, Charlotte served an NSL requesting records outside the permissible scope of an NSL. OGC notes that, according to Charlotte, Charlotte acted upon the advice and direction of FBIHQ, Charlotte personnel sought legal advice prior to the service of the NSL, and no records were obtained in response to the NSL. These mitigating factors should be considered when judging the performance of Charlotte personnel. However, the circumstances as a whole must be reported to the IOB since the service of the NSL in this case was not in compliance with ECPA and the NSIG.

~~SECRET~~

~~SECRET~~

(U) To: Charlotte From: Office of General Counsel
Re: (S) 278-HQ-C1229736-VIO, 03/13/2007

LEAD(s):

Set Lead 1: (Info)

CHARLOTTE

AT CHARLOTTE, NC

(U) For information.

Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For review and action deemed appropriate.

b6 cc: Ms. Thomas
b7C [redacted]
IOB Library

♦♦

~~SECRET~~

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

(S)

CHARLOTTE DIVISION
b2 IOB MATTER 2007- (U)

~~(S)~~ The Charlotte Division ("Charlotte") of the Federal Bureau of Investigation ("FBI") reported via electronic communication dated February 21, 2007, that a National Security Letter was served requesting records that were beyond the permissible scope of a National Security Letter. Specifically, the FBI sought to obtain [REDACTED] from a state university for an individual with ties to the July 2005 London bombings. [REDACTED] are outside the scope of records that may be obtained with a National Security Letter. The state university recognized this error and refused to produce any records in response to the National Security Letter. Accordingly, no records were obtained as a result of the service of this National Security Letter. The FBI rescinded the National Security Letter, and instead served a Federal Grand Jury subpoena for [REDACTED]. The state university complied with the Federal Grand Jury subpoena and produced [REDACTED]

[REDACTED]

~~(U)~~ The FBI's service of a National Security Letter requesting educational records was in violation of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection, even though no records were obtained in response to the National Security Letter. Thus, the matter is being reported to the IOB.

(U) This matter has been reported to the FBI's Inspection Division for appropriate action.

DATE: 05-29-2007
CLASSIFIED BY: 55179 DMW/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-29-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Derived from : G-3
Declassify on: 03/07/2032

~~SECRET~~

NSL VIO-1708

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION**

b2 07

Precedence: ROUTINE**Date:** 02/23/2007**To:** Inspection
General Counsel**Attn:** IIS, Room 11861
Attn: NSLB, Room 7975**From:** [redacted]**Contact:** SA [redacted]

b2

b7E

Approved By: [redacted]

b6

b7C

Drafted By: [redacted]

(C)

Case ID #: (S) 278-HQ-C1229736-VIO -2182**Title:** (U) SA [redacted]
SSA [redacted]

INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

(U)

Synopsis: (S) To report possible IOB error.

(U)

~~Derived From: FBI SCG-3, January 1997~~
~~Declassify On: 02/23/2032~~**Details:**

(S) 1. [redacted]

b1

b6

b7C

(S) 2. [redacted]

b7A (S) 3. Possible IOB Error: (See description below.)

b2

b7E

(S) b1 [redacted]

(U)

4. Description of IOB Error (including any reporting delays).

b6

b7C

b2

b7E

b1

(S) On 12/21/2004, Special Agent [redacted] (the former
b6 case agent on captioned investigation) issued a National Security
b7C Letter (NSL) [redacted] for subscriber information [redacted]

b7D

b2

b7E

b7A

S [redacted] 04/24/07

~~SECRET~~

b4

b6

b7C

DATE: 05-29-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-29-2032ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

NSL VIO-1709

09A 91 11:59p

~~SECRET~~

b2
b7E (U) To: Inspection From: [redacted]
Re: (S) 278-HQ-C1229736-VIO, 02/23/2007

(S)

b4
b7D
b6
b7C
b7A

b1
b2
b7E

(S)

(S)

b4
b7D
b6 (S)
b7C
b7A

(S) The last number in the list above, [redacted] was not in the NSL submitted [redacted] as the EC stated. However, it should be noted that the number was not erroneously furnished by [redacted]

b1 b7A [redacted] An additional NSL [redacted] contained a request for the subscriber information [redacted] Therefore, the information was not collected in error and was in fact collected as part of an [redacted] matter [redacted] National Security [redacted]

b7D
b4
b2
b7E

~~SECRET~~

~~SECRET~~

b2

(U) b7E To: Inspection From: [redacted]
Re: (S) 278-HQ-C1229736-VIO, 02/23/2007

(S) 12/21/2004, when in fact one of the telephone numbers was provided in response to a NSL dated 12/29/2004.

(S) The records mentioned above were received as two separate sets of results [redacted]

b1
b7D
b7A
b6
b7C
b4

~~SECRET~~

3

NSL VIO-1711

~~SECRET~~

b2

b7E
(U) To: Inspection From:
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/23/2007

LEAD (s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

♦♦

~~SECRET~~

4

NSL VIO-1712

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION****Precedence:** ROUTINE**Date:** 03/07/2007**To:** **Attn:** CT-1

Counterterrorism

Attn: ITOS 1/CONUS 2/

b2

Inspection

Attn: Internal Investigative
Section

b6

Attn: Rm. 11865

b7C

From: General Counsel

National Security Law Branch/CTLU1/LX-1/3S-100

Contact: **Approved By:** Thomas Julie F *DOOD***Drafted By:** afm *AM 250M*(U) **Case ID #:** ~~(S)~~ 278-HQ-C1229736-VIO (Pending)(S)

b1

Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD
(IOB) MATTER 2007-

b2

b7E

b2 J

Synopsis: ~~(S)~~ It is the opinion of the Office of General Counsel ("OGC") that the above-referenced matter need not be reported to the Intelligence Oversight Board ("IOB"). Our analysis follows.(U) ~~(S)~~**Derived From:** ~~G-3~~**Declassify On:** ~~03/07/2032~~(U) **Reference:** ~~(S)~~ 278-HQ-C1229736-VIO-2182**Administrative:** (U) This communication contains one or more footnotes. To read the footnotes, download and print the document in Corel WordPerfect.DATE: 05-29-2007
CLASSIFIED BY: 65179 DMH/ESE/JW
REASON: 1.4 (C)
DECLASSIFY DM: 05-29-2032ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE~~SECRET~~b6
b7C

OIG/DOJ REVIEW

FBI INVESTIGATION

OIG/DOJ INVESTIGATION

DATE: 4-19-07

(M)

NSL VIO-1713

~~SECRET~~

b2
b7E (U) To: [REDACTED] From: General Counsel
Re: [REDACTED] 278-HQ-C1229736-VIO, 03/07/2007

(S) Details: (S) By electronic communication (EC) dated February 23, 2007, referenced above,¹ the [REDACTED] reported a possible IOB error [REDACTED]

b1 [REDACTED] In
b2 this regard, [REDACTED] reported that on February 21, 2007, the
b7E Office of Inspector General ("OIG") identified a potential IOB
b7A violation during its audit. Specifically, OIG advised that
[REDACTED] issuance of a National Security Letter ("NSL") on
December 21, 2004 may have constituted an IOB violation.²

(S) (S) The NSL issued by [REDACTED] In
b4 requested [REDACTED] information for the
following phone numbers:

b7D
b2
b7E (S)
b7A
b6
b7C

(S) [REDACTED] issued

b2 another NSL [REDACTED] requesting [REDACTED] information for
b7E b4 telephone number [REDACTED]
b7Zb7D [REDACTED] Both NSL's were properly issued in connection with an

b1
b6
b7C
b2
b7E ¹ (U) See, EC from the [REDACTED] Division to the General Counsel, dated
02/23/07, Case ID# 278-HQ-C1229736-VIO, Serial 2182, titled "Intelligence
Oversight Board Error," hereinafter cited as the [REDACTED] EC."

² (U) [REDACTED] EC.

~~SECRET~~

b1
b2
b7E

~~SECRET~~

b2
b7E (U) To: [REDACTED] From: General Counsel
Re: (S) 278-HQ-C1229736-VIO, 03/07/2007

b1

b7A [REDACTED]

b2

b7E

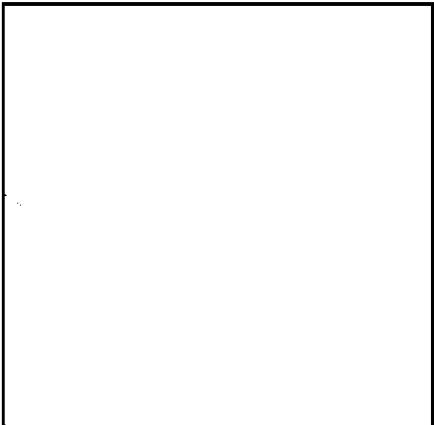
(S) [REDACTED] provided two separate sets of responses to [REDACTED] NSL's. [REDACTED]

b4 [REDACTED] (C) [REDACTED]
b2 drafted an EC documenting [REDACTED] information obtained
b7E pursuant to [REDACTED] NSL. [REDACTED]

b2 In that EC, the agent documented [REDACTED] information obtained
b7E for the following phone numbers: [REDACTED]

b6 (S)

b7C



(S) Although the EC erroneously stated that [REDACTED] information [REDACTED] was obtained pursuant to [REDACTED] NSL, this does not constitute an IOB violation. As set forth above, an NSL requesting [REDACTED] information for this telephone number was properly issued [REDACTED]. The drafter of the EC inadvertently attributed [REDACTED] results [REDACTED]

b4 [REDACTED] Both NSL's were issued
b7D in relation to an ongoing counterterrorism investigation. The provider, [REDACTED] did not furnish subscriber information that exceeded the parameters of the NSL's. Therefore, no over-
b7A collection occurred. The mistake, if any, occurred in drafting
b6 a routine EC documenting NSL results.
b7C

(U) (S) As required by Executive Order (E.O.) 12863 and Section 2-56 of the National Foreign Intelligence Program Manual ("NFIPM"), OGC was tasked to determine whether [REDACTED] issuance of the NSL's described above is a matter which must be reported to the IOB. It is not.

~~SECRET~~

~~SECRET~~

b2
b7E
(U)

To: [REDACTED] From: General Counsel
Re: (S) 278-HQ-C1229736-VIO, 03/07/2007

(U) Section 2.4 of E.O. 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community Components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive." This language was adopted verbatim from E.O. 12334, dated 12/04/1981, when the IOB was known as the President's Intelligence Oversight Board ("PIOB"). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the NSIGs, or other guidelines or regulations approved by the Attorney General in accordance with E.O. 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. Violations of provisions that are essentially administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

(S)

b1
b7A
b2
b7E

(S) ~~(U)~~ Section 2.4 of E.O. 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division, and the General Counsel, OGC, respectively) report to the IOB all information "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." In this instance, the subject NSL's were properly issued in relation to an ongoing counterterrorism investigation. The provider did not exceed the parameters of the NSL's when furnishing the requested [REDACTED] information. Rather, the case agent mistakenly cited to the [REDACTED] NSL as being the source for [REDACTED] information [REDACTED] when drafting an EC to the [REDACTED] file.

(U) Based upon these facts, in accordance with the terms implementing the reporting requirements of Section 2.4 of EO 12863, it is our opinion that this error need not be reported to the IOB. Further, absent the finding of the OIG, it need not have been reported as a potential IOB under OGC's guidance issued November 16, 2006. A record of this decision should be maintained in the control file for future review by the Counsel to the IOB.

~~SECRET~~

~~SECRET~~

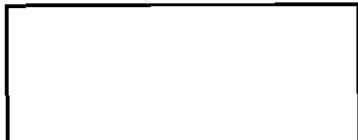
(U) To:  From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/07/2007

b2

b7E

LEAD(s) :

Set Lead 1: (Info)



(U) Read and clear.

Set Lead 2: (Info)

COUNTERTERRORISM

AT ITOS 1/CONUS 2/TEAM 7

(U) Read and clear.

Set Lead 3: (Action)

INSPECTION

AT IIS

(U) INSD should retain a record of the report of the potential IOB matter, as well as a copy of the OGC opinion concluding that IOB notification is not required, for three years for possible review by Counsel to the IOB.

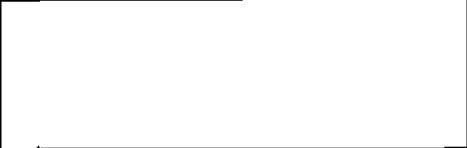
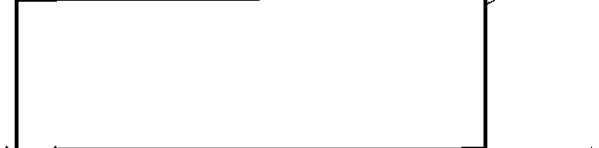
♦♦

~~SECRET~~

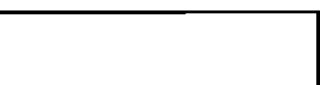
~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION**

b2

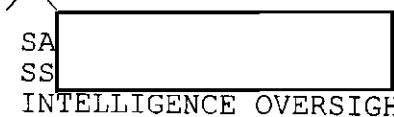
07

**Precedence:** ROUTINE**Date:** 02/23/2007**To:** Inspection
General Counsel**Attn:** IIS, Room 11861
Attn: NSLB, Room 7975**From:** **Contact:** SSA **Approved By:** DATE: 05-29-2007
CLASSIFIED BY 63179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-29-2032**Drafted By:** b6 (U) Case ID #: (S) 278-HQ-C1229736-VIO 

b2

b7E Title: (U) SA 

b6

b7C 

INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

(U)

Synopsis: (S) To report possible IOB error.(U) (S) **Derived From :** G-3**Declassify On:** X1ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE**Details:**

b1

b6 (S) 1. 

b7C

b7A (S) 2. 

b2

b7E (S) 3. Possible IOB Error: b1 (S) 

b2

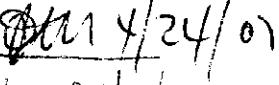
(U) b7E 4. Description of IOB Error (including any reporting delays).

(S)

(S) A NSL was issued on 04/08/03 under the authority of the
Electronic Communications Privacy Act (ECPA) for the subscriber
information and telephone  record information for 
 Upon receipt of
requested documents from the telephone company it was determined that

b1

b7A

for the telephone company's convenience, they
voluntarily provided  information SC Miller CRS 

KA 04/26/07

~~SECRET~~b6
b7C

NSL VIO-1718

~~SECRET~~

b2 b7E To: Inspection From:
Re: (S) 278-HQ-C1229736-VIO, 02/23/2007

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

♦♦

~~SECRET~~

2

NSL VIO-1719

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION****Precedence:** ROUTINE**Date:** 03/12/2007

To: **Attn:** SAC, CDC
 Counterterrorism
 Inspection **Attn:** AD
Attn: IIS

From: General Counsel
 Counterterrorism Law Unit /II/LX-1 3S100
Contact:

b6
b7C
b2
b7E**Approved By:** Thomas, Julie F **Drafted By:** (U) **Case ID #:** (S) 278-HQ-C1229736-VIO-~~2529~~(U) **Title:** (S) INTELLIGENCE OVERSIGHT BOARD MATTER,
b2 IOB 2007 (U) **Synopsis:** (S) It is the opinion of the Office of the General Counsel (OGC) that this matter does not warrant reporting to the Intelligence Oversight Board (IOB). This matter was reported as a potential IOB because it was referenced in the OIG draft of an NSL report to be issued March 9, 2007. Submission of this matter to the OPR is a matter within the cognizance of the IIS.(U) ~~(S)~~ **Derived from:** G-3
Declassify On: 03/08/2032(U) **Reference:** (S) 278-HQ-C1229736-VIO-2183**Administrative:** (U) This communication contains one or more footnotes. To read the footnotes, download and print the document in WordPerfect 6.1.b2 **Details:** (U) Referenced communication from the Field Office , dated 02/23/2007, requested that OGC review the facts of the captioned matter and determine whether it warrantsb6
b7COIG/DOJ REVIEW
FBI INVESTIGA

OIG/DOJ INVESTIGATION:

~~SECRET~~ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISEDATE: 05-30-2007
 CLASSIFIED BY 65179 DMH/ESR/JW
 REASON: VIO-1720
 DECLASSIFY ON: 05-30-2032

~~SECRET~~

b2
b7E
(U)

To: [REDACTED] From: General Counsel
Re: 278-HQ-C1229736-VIO-2183 (S), 03/12/2007

reporting to the IOB. In our opinion, it does not. Our analysis follows.

b1
b6
b7C
b2
b7E
b7A

(S) As discussed in the electronic communication (EC) from [REDACTED] cited below, [REDACTED]

(S) An NSL was issued on 04/08/03 under the authority of the Electronic Communications Privacy Act (ECPA) seeking toll billing and subscriber information [REDACTED]

b2
b7E
b7D

[REDACTED] the carrier provided information [REDACTED]
[REDACTED] Due to the fact that this possible overcollection was discovered by the OIG during the course of its NSL audit, [REDACTED] reported this matter as a potential IOB by EC dated 02/23/2007. (See footnote 1, above.) We note that this overcollection should have been reported by [REDACTED] as a potential IOB within fourteen days of its discovery [REDACTED]

(U) Section 2.4 of Executive Order (EO) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive. This language was adopted verbatim from EO 12334, dated 12/04/1981, when the IOB was known as the President's Intelligence Oversight

(U)

¹ (S) See 278-HQ-C1229736-VIO, Serial 2183, dated 02/23/2007 and titled, in part, "Intelligence Oversight Board (IOB) Error."

² (U) A "United States person" (USP) is defined in Section 101(i) of the Foreign Intelligence Surveillance Act (FISA) (codified at 50 U.S.C. § 1801 et seq.) as "a citizen of the United States [or] an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Naturalization Act) See also Section II.W of The Attorney General's Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations.

~~SECRET~~

~~SECRET~~

b2
b7E

To: From: General Counsel
(U) Re: 278-HQ-C1229736-VIO-2183 ~~(S)~~ 03/12/2007

Board (PIOB). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the NSIG, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. Violations of provisions that are essentially administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

(U) ~~(S)~~ Further, by letter dated 11/13/2006, the Counsel to the IOB agreed that third party errors in the collection of information pursuant to an NSL must be reported to OGC, but are not reportable to the IOB. Prior thereto, third party errors were reportable to the IOB.

(U) ~~(S)~~ ECPA, 18 U.S.C. 2709, permits telephone toll billing and subscriber information to be gathered pursuant to a national security letter. In this instance, the information provided to the FBI went beyond the scope of the request. Investigation has uncovered the fact that the additional information was provided by the carrier because it comported with the billing cycle of the subject's telephone account. Therefore, the carrier chose to provide the information sought in the manner most convenient to it. Since there was no error on the part of the FBI, this matter is not reportable to the IOB.

CONCLUSION

(U) For these reasons, OGC concludes that this matter does not warrant being reported to the IOB. However, the overcollected material must be destroyed or returned to the carrier, depending on the wishes of the provider. If the information is relevant to the investigation, it may be sequestered until such time as another NSL is issued and served, and then the material may be retained and used by the FBI.

~~SECRET~~

~~SECRET~~

(U) To: From: General Counsel
Re: Z78-HQ-C1229736-VIO-2183 ~~NS~~, 03/12/2007

b2

b7E **LEAD (s) :**

Set Lead 1: (ACTION)

(U) For handling of the overcollected material consistent with this EC.

Set Lead 2: (INFO)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and Clear.

Set Lead 3: (ACTION)

INSPECTION

AT WASHINGTON, DC

(U) Maintain report of potential IOB, together with a copy of this opinion, for three years for possible inspection by counsel for the IOB

(U) Other action as deemed appropriate.

1

♦♦

b6
b7C

~~SECRET~~

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION**b2
c7
[redacted]**Precedence:** ROUTINE**Date:** 02/22/2007**To:** Inspection
General Counsel**Attn:** IIS, Room 11861
Attn: NSLB, Room 7975**From:** [redacted]**Contact:** SSA [redacted]**Approved By:** [redacted]**Drafted By:** [redacted]ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISEb6
b7C
(U)
b2
b7E**Case ID #:** (S) 278-HQ-C1229736-VIO - 17 -**Title:** (U)

b6

b7C

SA [redacted]

SSA [redacted]

INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

(U) Synopsis: (S) To report possible IOB error.DATE: 05-30-2007
CLASSIFIED BY 65179 DME/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-30-2032(U) (S) ~~Derived From : G-3~~
~~Declassify On: X1~~**Details:**

b1) 1. [redacted]

b6

b7C

b7A

(U)b2

b7E

2. [redacted]

3. Possible IOB Error:

(S)

4. Description of IOB Error (including any reporting delays).

b1

b2

b7E

(S) A NSL was issued on 07/16/2003 for subject's subscriber [redacted]

[redacted] records were received, [redacted]

b1 A previous NSL was issued on this subject's [redacted] on 08/19/2002 for subscriber information and [redacted]

b7A

(S)

SC Miller [redacted]

Rm 0412/07

~~SECRET~~b6
b7C

CRS [redacted]

NSL VIO-1724

~~SECRET~~

b2 To: Inspection From:
b7E^J Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/22/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

♦♦

~~SECRET~~

2

NSL VIO-1725

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION****Precedence:** ROUTINE**Date:** 03/13/2007**To:** [redacted]**Attn:** SSA [redacted]**Inspection
Section****Attn:** Internal Investigative**Attn:** [redacted] Room 11865**From:** General Counsel

National Security Law Branch/CTLU II/LX-1 3S-100

Contact: [redacted]

b6

b7C

b7E

Approved By: Thomas Julie ~~EX-1617~~**Drafted By:** [redacted](U) **Case ID #:** (S) 278-HQ-C1229736-VIO-2532**Title:** (U) Intelligence Oversight Board
(IOB) Matter 2007 [redacted]

b2

(U) **Synopsis:** (S) It is the opinion of the Office of the General Counsel (OGC) that the above referenced matter need not be reported to the Intelligence Oversight Board (IOB). Our analysis follows.(U) (S) **Derived From:** G-3
(U) **Declassify On:** 03/08/2032**Reference:** (S) 278-HQ-C1229736-VIO Serial 2184
(S) [redacted]

b1

Administrative: (U) This communication contains one or more b7E notes. To read the footnotes, download and print the document in Corel WordPerfect.(U) **Details:** (S) By electronic communication (EC) dated February 22, 2007 and referenced above, the [redacted] Division [redacted] reported to b2 the OGC's National Security Law Branch (NSLB) and the Inspection b7E Division this potential IOB matter.DATE: 05-30-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-30-2032ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
MAYBE SPECIFIED OTHERWISE~~SECRET~~**OIG/DOJ REVIEW:**

FBI INVESTIGATION

C: OGC INVESTIGATION

DATE: 4-19-07

b6

b7C

NSL VIO-1726

~~SECRET~~

To: Counterterrorism From: General Counsel
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 3/13/2007

BACKGROUND

(S) [REDACTED]
b1 [REDACTED] a National Security Letter (NSL) was issued for the
b7A subject's [REDACTED] records [REDACTED]
b6 [REDACTED] records were received from the [REDACTED]
b7C provider, [REDACTED]
b2 [REDACTED] The period that was covered that was not requested by this
b7E NSL [REDACTED] However, a previous NSL
had been issued [REDACTED] which covered most, but not
all, of this overrun period. This overcollection should have
been reported within fourteen days of its discovery. It was not
reported, however, until discovered pursuant to the OIG NSL
audit.

ANALYSIS

(U) ~~(S)~~ As required by Executive Order (E.O.) 12863
(Sept. 13, 1993) and Section 2-56 of the National Foreign
Intelligence Program Manual (NFIPM), OGC was tasked to determine
whether the errors described here are matters that should be
reported to the IOB. We believe that the reported activity does
not require IOB notification.

(U) Section 2.4 of E.O. 12863 mandates that the heads
of Intelligence Community components report all information to
the IOB that it deems necessary to carry out its
responsibilities. That section requires Inspectors General and
General Counsel of the Intelligence Community to report
"intelligence activities that they have reason to believe may be
unlawful or contrary to Executive order or Presidential
directive." This language has been interpreted to mandate the
reporting of any violation of guidelines or regulations approved
by the Attorney General, in accordance with E.O. 12333, if such
provision was designed in full or in part to protect the
individual rights of a United States person. This includes
violations of agency procedures issued under E.O. 12333, unless

~~SECRET~~

~~SECRET~~

(U)

To: Counterterrorism From: General Counsel
Re: (S) 278-HQ-C1229736-VIO, 3/13/2007

they involve purely administrative matters.¹ For the FBI, OGC submits reports to the IOB.²

(S)

b1

b2

b7E (Introduction) at 4. Section 2-56 of the NFIPM identifies as reportable to the IOB unauthorized investigations, the use of unlawful methods and techniques, exceeding the authorized scope of permitted activities, and failing to adhere to minimization requirements.³

(U)

(S) In this instance [redacted] sought information [redacted] and obtained data for a period greater than requested. However, the information was relevant to the investigation and part of it, but not all, had already been covered by another NSL. Further, the error was made by the carrier. There was no error in the FBI's NSL. By letter dated 11/13/2006, the Counsel to the IOB agreed that third party errors in the collection of information pursuant to an NSL must be

(U)

¹ (S) See EC from Inspection Division to All Divisions; Title: Revised Procedures for the Submission of Reports of Potential Intelligence Oversight Board (IOB) Matters, Case ID # 66F-HQ-A1247863 Serial 172 at 5-6 (2/10/2005). The FBI is required to maintain for three years records of administrative violations, for possible review by the Counsel to the IOB, together with a copy of the opinion concerning the basis for the determination that IOB notification was not required. Id. at 6.

(U)

² (S) See id. at 4.

(S)

³ (S) See also id. at 5, identifying reportable matters as including: (1) activities believed to be unlawful or contrary to Executive Orders or Presidential directives; (2) suspected violations of the Constitution; [redacted]

b1

b2

b7E

[redacted] (5) initiating a form of electronic surveillance or a search without authorization from the FISC, or failing to terminate an authorized surveillance at the time prescribed by the Court; and (6) failing to adhere to the minimization or dissemination requirements specified in a FISC Order.

~~SECRET~~

~~SECRET~~

(U) To: Counterterrorism From: General Counsel
Re: (S) 278-HQ-C1229736-VIO, 3/13/2007

reported to OGC, but are not reportable to the IOB. Prior thereto, third party errors were reportable to the IOB. Under the new policy, this overcollection need not be reported to the IOB.

CONCLUSION

(U) OGC concludes that this matter does not warrant being reported to the IOB. However, the overcollected material that was not covered by any NSL must be destroyed or returned to the carrier, depending on the wishes of the provider. If the information is relevant to the investigation, it may be sequestered until such time as another NSL is issued and served, and then the material may be retained and used by the FBI.

~~SECRET~~

~~SECRET~~

(U) To: Counterterrorism From: General Counsel
Re: (S) 278-HQ-C1229736-VIO, 3/13/2007

LEAD(s):

Set Lead 1: (Action)



b2
b7E

(U) For handling of the overcollected material consistent with this EC.

Set Lead 2: (Info)

COUNTERTERRORISM

AT ITOS II/IHSU

(U) Read and Clear.

Set Lead 3: (Action)

INSPECTION

AT WASHINGTON, DC

(U) As provided in the Revised Procedures for the Submission of Reports of Potential Intelligence Oversight Board (IOB) Matters, retain a record of the report of a potential IOB matter for three years for possible review by the Counsel to the IOB, together with a copy of the OGC opinion concerning the basis for the determination that IOB notification is not required.

♦♦

~~SECRET~~

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION**b2
b7
[redacted]**Precedence:** ROUTINE**Date:** 02/22/2007**To:** Inspection
General Counsel**Attn:** IIS, Room 11861
Attn: NSLB, Room 7975**From:** [redacted]**Contact:** SSA [redacted]b6
b7C
b2
b7E**Approved By:** [redacted]**Drafted By:** [redacted](C) **Case ID #:** (S) 278-HQ-C1229736-VIO**Title:** (U) SAb6
b7C

b7E INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

(U) **Synopsis:** (S) To report possible IOB error.(U) (S) ~~Derived From : G-3~~
~~Declassify On: X1~~**Details:**

(S) 1. [redacted]

b1

b6

b7C

b7A

b2

b7E

(U) (S) 4. Description of IOB Error (including any reporting delays).

(S) (S) A NSL was authorized on 07/09/04 for a copy of subject's consumer credit report under the Fair Credit Reporting Act (FCRA) authority. Although the proper NSL was drafted, the accompanying Electronic Communication (EC) stated in the "Synopsis" section that this was a Right to Financial Privacy Act (RFPA) authority request.

SC Miller [redacted]
CRS [redacted]

Kw 04/25/07

b6 CRS [redacted]
b7C~~SECRET~~DATE: 05-30-2007
CLASSIFIED BY 65179 DMH/KSR/JW
PRIORITY: 1.4 (C)
DECLASSIFY ON: 05-30-2032ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

NSL VIO-1731

~~SECRET~~

b2 (u) - To: Inspection From:
b7E Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/22/2007

LEAD (s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

♦♦

~~SECRET~~

2

NSL VIO-1732

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/08/2007

b6
b7C
b2
b7E

To: **Attn:** SAC, CDC
Counterterrorism
Inspection

Attn: AD

Attn: IIS

From: General Counsel
Counterterrorism Law Unit II/LX-1 3S100
Contact:

Approved By: Thomas, Julie F *(ACD)*

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Drafted By:

(U) **Case ID #:** (S) 278-HQ-C1229736-VIO-2544

DATE: 05-30-2007
CLASSIFIED BY: 65179 DMH/KSR/JU
REASON: 1.4 (C)
DECLASSIFY ON: 05-30-2032

(U) **Title:** (S) INTELLIGENCE OVERSIGHT BOARD MATTER,
b2 IOB 2007

(U) **Synopsis:** (S) It is the opinion of the Office of the General Counsel (OGC) that this matter does not warrant reporting to the Intelligence Oversight Board (IOB). Submission of this matter to the OPR is a matter within the cognizance of the IIS.

(U) (S) **Derived from:** G-3
(U) **Declassify On:** 03/08/2032

Reference: (S) 278-HQ-C1229736-VIO-2185

Administrative: (U) This communication contains one or more footnotes. To read the footnotes, download and print the document in WordPerfect 6.1.

b2 **Details:** (U) Referenced communication from the Field
b7E Office dated 02/22/2007, requested that OGC review the facts of the captioned matter and determine whether it

~~SECRET~~

b6 OIG/DOJ REVIEW: DATE: 4-18-01
b7C FBI INVESTIGATION:
OIG/DOJ INVESTIGATION:

NSL VIO-1733

b2 J
b7E

~~SECRET~~

To: [REDACTED] From: General Counsel
Re: (S) 278-HQ-C1229736-VIO, 03/08/2007

warrants reporting to the IOB. In our opinion, it does not.
Our analysis follows.

b1

b6

b7C

b7A

b2

b7E

(S) [REDACTED]

(S) [REDACTED] issued an NSL on 07/09/2004. The NSL requested a copy of the subject's consumer credit report under the Fair Credit Reporting Act. The NSL was properly drafted except that the certification included the language for certifying an RFPA NSL. Further, the accompanying Electronic Communication ("EC") was properly drafted except that it stated in the "Synopsis" section that the NSL was being issued under the Right to Financial Privacy Act. Otherwise, its description of the request and the information provided for congressional reporting purposes were accurate.

(U) Section 2.4 of Executive Order (EO) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive. This language was adopted verbatim from EO 12334, dated 12/04/1981, when the IOB was known as the President's Intelligence Oversight Board (PIOB). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the NSIG, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. Violations of provisions that are essentially administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review

¹ 278-HQ-C1229736-VIO-2185

~~SECRET~~

(U)

b2 To: [REDACTED] From: General Counsel
b7E Re: (S) 278-HQ-C1229736-VIO, 03/08/2007

~~SECRET~~

requirements, including the FRCA, 15 U.S.C. Section 1681v.

(U) The NSL at issue in this case was properly issued under the Fair Credit Reporting Act. The NSL contained language from another NSL statute, Title 12, U.S.C. Section 3414(a)(5)(A), the Right to Financial Privacy Act (RFPA). The language was, to wit: "I certify that these records are sought for foreign counterintelligence investigation purposes to protect against international terrorism or clandestine intelligence activities, and that such an investigation of a United States person is not conducted solely on the basis of activities protected by the First Amendment to the Constitution of the United States." While the RFPA permits NSLs for records related to international terrorism or clandestine intelligence activities, the FCRA Section 1681v permits NSLs only for records related to international terrorism.

(U) The clerical error made in the NSL does not affect the legitimacy of the NSL. This was an international terrorism (IT) case, and a description of the IT nature of the case is documented in the EC. Further, the mistake made in the synopsis of the EC, while otherwise a proper FCRA 1681v EC, does not affect the legitimacy of the NSL.

CONCLUSION

(U) OGC concludes that this matter does not warrant being reported to the IOB.

~~SECRET~~

(U)

~~SECRET~~

To: [REDACTED] From: General Counsel
Re: (S) 278-HQ-C1229736-VIO, 03/08/2007

b2 LEAD (s) :

b7E Set Lead 1: (INFO)

[REDACTED]

(U) Read and Clear.

Set Lead 2: (INFO)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and Clear.

Set Lead 3: (ACTION)

INSPECTION

AT WASHINGTON, DC

(U) Maintain report of potential IOB, together with a copy of this opinion, for three years for possible inspection by counsel for the IOB

(U) Other action as deemed appropriate

1 - Ms. Thomas

1 [REDACTED]

b6

1 [REDACTED]

b7C

1 - IOB Library

~~SECRET~~

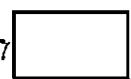
4

NSL VIO-1736

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION**

b2

07

**Precedence:** ROUTINE**Date:** 02/22/2007**To:** Inspection
General Counsel**Attn:** IIS, Room 11861
Attn: NSLB, Room 7975**From:** **Contact:** SSA 

b6

b7C

b2

b7E

Drafted By: 

(C)

Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO 

b6

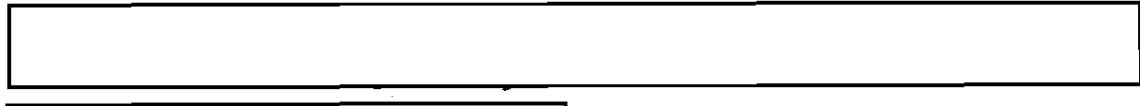
b7C

Title: (U) SA SSA
INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

(U)

Synopsis: ~~(S)~~ To report possible IOB error.

(U)

~~(S)~~ **Derived From :** G-3~~Declassify On:~~ X1**Details:**(S) 1. 

b1

b6 2. 

(U)

b7C 3. Possible IOB Error: 

b7A

b2 (S) 

b1 b7E

(U) b2 ~~(S)~~ 4. Description of IOB Error (including any reporting delays).(U) b7E ~~(S)~~ A NSL was requested under the Fair Credit Reporting Act (FCRA) authority for subject's consumer credit report on 04/04/05. which was received. During a DOJ/IG review of NSLs, this NSL was identified as being requested under FCRA authority but having language in the certification from the Right to Financial Privacy Act (RFPA). A subsequent review of this NSL is believed to contain the proper language from the FCRA.*SC Miller 04/24/07*CRS 

Kao 04/25/07

b6

b7C

~~SECRET~~

DATE: 05-30-2007

CLASSIFIED BY 65179 DMH/KSP/JW

REASON: 1.4 (C)

DECLASSIFY ON: 05-30-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

NSL VIO-1737

~~SECRET~~

(U)

b2 To: Inspection From:
b7E Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/22/2007

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

♦♦

~~SECRET~~

2

NSL VIO-1738



U.S. Department of Justice
Federal Bureau of Investigation

Washington, D. C. 20535-0001

OJ/FCRA

[DRAFTING DIVISION]
[STREET ADDRESS]
[CITY, STATE, ZIP CODE]
[MONTH, DAY, YEAR]

[MR./MRS./MS.] [COMPLETE NAME OF POC]
[TITLE, IF AVAILABLE]
[NAME OF COMPANY]
[PHYSICAL STREET ADDRESS - NO P.O. BOX]
[CITY, STATE - NO ZIP CODE]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-31-2007 BY 65179 DMH/KSR/JW

Dear [MR./MRS./MS.] [LAST NAME] :

Pursuant to Executive Order 12333, dated December 4, 1981, and 15 U.S.C. § 1681v of the Fair Credit Reporting Act (as amended), you are hereby directed to provide the Federal Bureau of Investigation (FBI) with a copy of a consumer credit report and all other information contained in your files for the below-listed consumer(s) :

NAME(S) :

ADDRESS(ES) : [if available]

DATE(S) OF BIRTH: [if available]

SOCIAL SECURITY NUMBER(S): [if available]

In accordance with Title 15, U.S.C. § 1681v, I certify that the information sought is necessary to conduct an authorized investigation of, or intelligence or counterintelligence activities or analysis related to, international terrorism.

[Certification: The nondisclosure requirement is not an automatic feature of the NSL. If the supporting EC for this NSL included Option 1 (Invoking the Nondisclosure Requirement), then include the language in the following 3 paragraphs in the NSL.]

In accordance with 15 U.S.C. § 1681v(c)(1), I certify that a disclosure of the fact that the FBI has sought or obtained access to the information sought by this letter may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or

OGC POMY

RFPA

[DRAFTING DIVISION]
[STREET ADDRESS]
[CITY, STATE, ZIP CODE]
[MONTH DAY, YEAR]

[MR./MRS/MS.] [COMPLETE POC NAME]
[TITLE, IF AVAILABLE]
[COMPANY NAME]
[PHYSICAL STREET ADDRESS - NO P.O. BOX]
[CITY, STATE - NO ZIP CODE]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-31-2007 BY 65179 DMH/KSP/JW

DEAR [MR./MRS./MS.] [LAST NAME] :

Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 12, United States Code (U.S.C.), Section 3414(a)(5), you are hereby directed to produce to the Federal Bureau of Investigation (FBI) all financial records pertaining to the customer(s) and/or accounts listed below:

NAME(S) [if available]

ACCOUNT NUMBER(s) : [if available]

SOCIAL SECURITY NUMBER(S) : [if available]

DATE(S) OF BIRTH: [if available]

[FOR PERIOD FROM INCEPTION TO PRESENT]

or

[FOR PERIOD FROM [SPECIFIC DATE] TO [SPECIFIC DATE]]

or [PRESENT]]

Please see the attachment following this letter for the types of information that your financial institution might consider to be a financial record.

If the time period noted above is to the "present," that term is intended to direct production of information to the date of the processing of this letter. If providing information to the date of processing is not feasible, please provide information to the date of receipt of this letter.

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION****Precedence:** ROUTINE**Date:** 03/08/2007**To:** Counterterrorism**Attn:** AD

Inspection

Attn: Internal Inspection Section,

Room

b6

11865

b7C

b2

b7E

Attn: SAC, CDC**From:** General Counsel

National Security Law Branch

Contact: [REDACTED]DATE: 03-31-2007
CLASSIFIED BY 65179 DMH/KSP/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-31-2032**Approved By:** Thomas Julie F [REDACTED]**Drafted By:** [REDACTED]ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE(U) **Case ID #:** (S) 278-HQ-C1229736-VIO-2512

b1

(S) [REDACTED]

(U) b2

b7E

Title: (S) INTELLIGENCE OVERSIGHT BOARD MATTER

b2

IOB MATTER 2007 [REDACTED]

(U) (S) ~~Derived From : Q-3~~
~~Declassify On: 03/08/2032~~(U) **Synopsis:** (S) It is the opinion of the Office of the General Counsel (OGC) that this matter need not be reported to the Intelligence Oversight Board (IOB), but, rather, that a record of this decision should be maintained in the investigation control file for review by the Counsel to the IOB. Our analysis follows.(U) **Reference:** (S) 278-HQ-C1229736-VIO Serial 2186b6
b7COIG/DOJ REVIEW
FBI INVESTIGATI
OIG/DOJ INVESTIGATION~~SECRET~~DATE: 4-19-07
(M)

NSL VIO-1741

~~SECRET~~

To: CTD
b1 Re: (S) [REDACTED] From: General Counsel
b2
b7E
Details: (S) [REDACTED]

b1
b6
b7C
b7A
b2
b7E

(S) [REDACTED] a National Security Letter (NSL) was prepared and approved requesting a copy of a consumer credit report and all information contained in the files [REDACTED] in accordance with 15 U.S.C. § 1681v of the Fair Credit Reporting Act (as amended) - (FCRA). The NSL, while issued under the FCRA, contained language from another NSL statute, Title 12, U.S.C. Section 3414(a)(5)(A), the Right to Financial Privacy Act (RFPA). The language was, to wit: "I certify that these records are sought for foreign counterintelligence investigation purposes to protect against international terrorism or clandestine intelligence activities, and that such an investigation of a United States person is not conducted solely on the basis of activities protected by the First Amendment to the Constitution of the United States." While the RFPA permits NSLs for records related to international terrorism or clandestine intelligence activities, the FCRA Section 1681v permits NSLs only for records related to international terrorism.

(U) [REDACTED] In the case at hand, the NSL was requested in an international terrorism case, so there was no improper collection of records as both the RFPA and the FCRA Section 1681v permit such a request; the error was irrelevant to the particular NSL. In addition, the international terrorism connection is fully articulated in the EC requesting the NSL. Despite these

(U) [REDACTED] ¹ (S) See 278-HQ-C1229736-VIO, Serial 2186, dated 02/22/2007 and titled in part "Intelligence Oversight Board (IOB) Error".

² (U) A "United States person" (USP) is defined in Section 101(i) of the Foreign Intelligence Surveillance Act (FISA) (codified at 50 U.S.C. § 1801 et seq.) as "a citizen of the United States [or] an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Naturalization Act) See also Section II.W of The Attorney General's Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations.

~~SECRET~~

~~SECRET~~

To: CTD From: General Counsel
b1 Re: (S [REDACTED] 03/08/2007
b2

b7E b2 mitigating factors, [redacted] is encouraged to develop procedures
b7E to prevent a repetition of these errors.

(U) Section 2.4 of Executive Order (EO) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive. This language was adopted verbatim from EO 12334, dated 12/04/1981, when the IOB was known as the President's Intelligence Oversight Board (PIOB). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the NSIG, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. Violations of provisions that are essentially administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

CONCLUSION

(U) OGC concludes that this matter does not warrant being reported to the IOB. Consistent with our prior opinions on this matter, a record of this decision should be maintained in the control file for future review by Counsel to the IOB.

~~SECRET~~

~~SECRET~~

To: CTD From: General Counsel
Re: (S) [redacted] 03/08/2007

b1

b2

b7E

LEAD (s) :

Set Lead 1: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and clear.

Set Lead 2: (Action)

INSPECTION

AT IIS, WASHINGTON, DC

(U) For action deemed appropriate, including the maintenance of this report for three years in order to permit its review by the IOB.

Set Lead 3: (Info)

b2

b7E



(U) Read and clear.

1 - Ms. Thomas

1 [redacted]

1 [redacted]

1 - IOB Library

b6

b7C

♦♦

~~SECRET~~

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION**

b2

b7

Precedence: ROUTINE**Date:** 02/22/2007**To:** Inspection
General Counsel**Attn:** IIS, Room 11861
Attn: NSLB, Room 7975**From:** [REDACTED]**Contact:** SSA [REDACTED]b6
b7C
b2
b7E**Approved By:** [REDACTED]**Drafted By:** [REDACTED](U) **Case ID #:** (S) 278-HQ-C1229736-VIO**Title:** (U) SA [REDACTED]
SSA [REDACTED]
INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR(U) **Synopsis:** (S) To report possible IOB error.(U) (S) ~~Derived From : G-3~~
~~Declassify On: X1~~**Details:**

b1
b6 (S) 1. [REDACTED]
b7C
b7A (S) 2. [REDACTED]
b2
b7E (S) 3. Possible IOB Error:
(S) b1 [REDACTED]
b2
b7E (S) 4. Description of IOB Error (including any reporting delays).

(S) A NSL was requested under the Fair Credit Reporting Act (FCRA) authority for subject's consumer credit report on 11/12/04 which was received. During a DOJ/IG review of NSLs, this NSL was identified as being requested under FCRA authority but having language in the certification from the Right to Financial Privacy Act (RFPA). A subsequent review of this NSL is believed to contain the proper language from the FCRA.

SC Meier Open 4/24/07

b6
b7C

CRS

[REDACTED]

Ku 04/24/07

~~SECRET~~

DATE: 05-31-2007
CLASSIFIED BY 65179 DMM/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-31-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE OTHERWISE SPECIFIED
NSL VIO 1745

~~SECRET~~

b2 To: Inspection From:
(U) b7E Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/22/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

♦♦

~~SECRET~~

2

NSL VIO-1746

U.S. Department of Justice



Federal Bureau of Investigation

OAG. RONN

Washington, D. C. 20535-0001

FOIPA

NSL

[DRAFTING DIVISION]
[STREET ADDRESS]
[CITY, STATE, ZIP CODE]
[MONTH, DAY, YEAR]

[MR./MRS./MS.] [COMPLETE NAME OF POC]

[TITLE, IF AVAILABLE]

[NAME OF COMPANY]

[PHYSICAL STREET ADDRESS - NO P.O. BOX]

[CITY, STATE - NO ZIP CODE]

Dear [MR./MRS./MS.] [LAST NAME] :

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-31-2007 BY 65179 DMH/KSE/JW

Pursuant to Executive Order 12333, dated December 4, 1981, and 15 U.S.C. § 1681v of the Fair Credit Reporting Act (as amended), you are hereby directed to provide the Federal Bureau of Investigation (FBI) with a copy of a consumer credit report and all other information contained in your files for the below-listed consumer(s):

NAME(S) :

ADDRESS(ES) :

[if available]

DATE(S) OF BIRTH:

[if available]

SOCIAL SECURITY NUMBER(S): [if available]

In accordance with Title 15, U.S.C. § 1681v, I certify that the information sought is necessary to conduct an authorized investigation of, or intelligence or counterintelligence activities or analysis related to, international terrorism.

[Certification: The nondisclosure requirement is not an automatic feature of the NSL. If the supporting EC for this NSL included Option 1 (Invoking the Nondisclosure Requirement), then include the language in the following 3 paragraphs in the NSL.]

In accordance with 15 U.S.C. § 1681v(c)(1), I certify that a disclosure of the fact that the FBI has sought or obtained access to the information sought by this letter may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or

NSL VIO-1747

[MR./MRS./MS.] [COMPLETE NAME]

physical safety of a person. Accordingly, 15 U.S.C. § 1681v(c)(1) and (3) prohibits you, or any officer, employee, or agent of yours, from disclosing this letter, other than to those to whom disclosure is necessary to comply with the letter or to an attorney to obtain legal advice or legal assistance with respect to this letter.

In accordance with 15 U.S.C. § 1681v(c)(3), you are directed to notify any persons to whom you have disclosed this letter that they are also subject to the nondisclosure requirement and are therefore also prohibited from disclosing the letter to anyone else.

In accordance with 15 U.S.C. § 1681v(c)(4), if the FBI asks for the information, you should identify any person to whom such disclosure has been made or to whom such disclosure will be made. In no instance will you be required to identify any attorney to whom disclosure was made or will be made in order to obtain legal advice or legal assistance with respect to this letter.

[Include the following language in all NSLs.]

In accordance with 18 U.S.C. § 3511(a) and (b)(1), you have a right to challenge this letter if compliance would be unreasonable, oppressive, or otherwise unlawful, and you have the right to challenge the nondisclosure requirement set forth above.

In accordance with 18 U.S.C. § 3511(c), an unlawful failure to comply with this letter, including any nondisclosure requirement, may result in the United States bringing an enforcement action.

You are directed to provide records responsive to this letter **[personally to a representative of the [DELIVERING DIVISION] OR through use of a delivery service to [OFFICE OF ORIGIN] OR through secure fax]** within [xxxx] business days of receipt of this letter.

Any questions you have regarding this letter should be directed only to the **[DELIVERING DIVISION] OR [OFFICE OF ORIGIN], depending on whether service is personal or through a delivery service].** Due to security considerations, you should neither send the records through routine mail service nor non-secure fax, nor disclose the substance of this letter in any telephone conversation.

[MR./MRS./MS.] [COMPLETE NAME]

Your cooperation in this matter is appreciated.

Sincerely,

[ADIC/SAC NAME]
[ASSISTANT DIRECTOR IN
CHARGE/
SPECIAL AGENT IN CHARGE]

JYC PONY

FFA

NSL

[DRAFTING DIVISION]
[STREET ADDRESS]
[CITY, STATE, ZIP CODE]
[MONTH DAY, YEAR]

[MR./MRS/MS.] [COMPLETE POC NAME]
[TITLE, IF AVAILABLE]
[COMPANY NAME]
[PHYSICAL STREET ADDRESS - NO P.O. BOX]
[CITY, STATE - NO ZIP CODE]

DEAR [MR./MRS./MS.] [LAST NAME] :

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-31-2007 BY 65179 DMH/KSP/JW

Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 12, United States Code (U.S.C.), Section 3414(a)(5), you are hereby directed to produce to the Federal Bureau of Investigation (FBI) all financial records pertaining to the customer(s) and/or accounts listed below:

NAME(S) [if available]

ACCOUNT NUMBER(s) : [if available]

SOCIAL SECURITY NUMBER(S) : [if available]

DATE(S) OF BIRTH: [if available]

[FOR PERIOD FROM INCEPTION TO PRESENT]

or

[FOR PERIOD FROM [SPECIFIC DATE] TO [SPECIFIC DATE]

or [PRESENT]]

Please see the attachment following this letter for the types of information that your financial institution might consider to be a financial record.

If the time period noted above is to the "present," that term is intended to direct production of information to the date of the processing of this letter. If providing information to the date of processing is not feasible, please provide information to the date of receipt of this letter.

[MR./MRS./MS./ COMPLETE NAME]

In accordance with Title 12, U.S.C. Section 3414(a)(5)(A), I certify that these records are sought for foreign counterintelligence investigation purposes to protect against international terrorism or clandestine intelligence activities, and that such an investigation of a United States person is not conducted solely on the basis of activities protected by the First Amendment to the Constitution of the United States.

In accordance with Title 12, U.S.C., Section 3403(b), I certify that the FBI has complied with all applicable provisions of the Right to Financial Privacy Act.

[Certification: The nondisclosure requirement is not an automatic feature of the NSL. If the supporting EC for this NSL included Option 1 (Invoking the Nondisclosure Requirement) then include the language in the following 3 paragraphs in the NSL.]

In accordance with 12 U.S.C. § 3414(a)(5)(D), I certify that a disclosure of the fact that the FBI has sought or obtained access to the information sought by this letter may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of a person. Accordingly, 12 U.S.C. § 3414(a)(5)(D) prohibits you, or any officer, employee, or agent of yours, from disclosing this letter, other than to those to whom disclosure is necessary to comply with the letter or to an attorney to obtain legal advice or legal assistance with respect to this letter.

In accordance with 12 U.S.C. § 3414(a)(5)(iii), you are directed to notify any persons to whom you have disclosed this letter that they are also subject to the nondisclosure requirement and are therefore also prohibited from disclosing the letter to anyone else.

In accordance with 12 U.S.C. § 3414(a)(5)(iv), if the FBI asks for the information, you should identify any person to whom such disclosure has been made or to whom such disclosure will be made. In no instance will you be required to identify any attorney to whom disclosure was made or will be made in order to obtain legal advice or legal assistance with respect to this letter.

[Include the following language in all NSLs.]

[MR./MRS./MS./ COMPLETE NAME]

In accordance with 18 U.S.C. § 3511(a) and (b)(1), you have a right to challenge this letter if compliance would be unreasonable, oppressive, or otherwise unlawful and the right to challenge the nondisclosure requirement set forth above.

In accordance with 18 U.S.C. § 3511(c), an unlawful failure to comply with this letter, including any nondisclosure requirement, may result in the United States bringing an enforcement action.

The FBI does not intend to ~~sue you by the service of~~ the NSL upon your financial institution [REDACTED]

b2 [REDACTED] the non-disclosure provision set forth above prohibits the disclosure of the fact of this letter [REDACTED] Further, should you decide to consider [REDACTED] b7E [REDACTED] the FBI requests that you please notify the below point of contact prior to taking such action, inasmuch as it is expected that information [REDACTED]

You are directed to provide records responsive to this letter [personally to a representative of the [DELIVERING DIVISION] OR through use of a delivery service to the [OFFICE OF ORIGIN] OR through secure fax] within [xxxx] business days of receipt of this letter.

Any questions you have regarding this letter should be directed only to the [DELIVERING DIVISION] OR [OFFICE OF ORIGIN], depending on whether service is personal or through a delivery service or fax]. Due to security considerations, you should neither send the records through routine mail service nor disclose the substance of this letter in any telephone conversation.

Your cooperation in this matter is greatly appreciated.

Sincerely,

[ADIC/SAC NAME]
[ASSISTANT DIRECTOR IN
CHARGE/
SPECIAL AGENT IN CHARGE]

ATTACHMENT

In preparing your response to this National Security Letter, you should determine whether your company maintains the following types of information which may be considered by you to be a financial record in accordance Title 12, United States Code, Section 3401(2) ("original of, copy of, or information known to be derived from, any record held by a financial institution pertaining to a customer's relationship with the financial institution"):

b2

b7E

b2
b7E

b2
b7E

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION**

R

b2
07**Precedence:** ROUTINE**Date:** 02/23/2007**To:** Inspection
General Counsel**Attn:** IIS, Room 11861
Attn: NSLB, Room 7975**From:** [redacted]**Contact:** SSA [redacted]

b6

b7C

b2

b7E

Approved By: [redacted]**Drafted By:** [redacted]

(U)

Case ID #: (S) 278-HQ-C1229736-VIO**Title:** (U)

b6

b7C

SA [redacted]

SSA [redacted]

(U)

INTELLIGENCE OVERSIGHT BOARD (IOB) ERROR

Synopsis: (S) To report possible IOB error.

(U)

(S)

~~Derived From:~~ G-3~~Declassify On:~~ X1**Details:**

b1 (S) 1. [redacted]

b6

b7C

b7A

(U) b2 (S) 2. [redacted]

b7E

(U) b2 (S) 3. Possible IOB Error: [redacted]

b1 (S)

(U) b2 (S) ... Description of IOB Error (including any reporting delays). [redacted]

b7E

(S) (S) A NSL was issued on 11/29/05 under the authority of the
Electronic Communications Privacy Act (ECPA) [redacted]b1 [redacted] Although this NSL was served [redacted] the carrier did
b7A not furnish this requested information to the FBI. This information
can not be obtained under ECPA.Sc Miller - On 4/24/07
CFS [redacted] Kao 04/25/07b6
b7CALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE~~SECRET~~DATE: 05-31-2007
CLASSIFIED BY: 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-31-2032

NSL VIO-1760

~~SECRET~~

(U) To: Inspection From:
b2 Re: (NS) 278-HQ-C1229736-VIO, 02/23/2007
b7E **LEAD(s):**

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

♦♦

~~SECRET~~

2

NSL VIO-1761

~~SECRET~~

U.S. Department of Justice



Federal Bureau of Investigation

In Reply. Please Refer to
File No.

b2
b7E



(S)

November 29, 2005

(S)

Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 18, United States Code (U.S.C.), Section 2709 (as amended, October 26, 2001), you are hereby directed to provide to the Federal Bureau of Investigation

b1
b6
b7C
(FBI)

b7A

b4

b7D

b2

b7E

In accordance with Title 18, U.S.C., Section 2709(b), I certify that the information sought is relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, and that such an investigation of a United States person is not conducted solely on the basis of activities protected by the first amendment to the Constitution of the United States.

You are further advised that Title 18, U.S.C., Section 2709(c) prohibits any officer, employee or agent of yours from disclosing to any person that the FBI has sought or obtained access to information or records under these provisions.

DATE: 05-31-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 05-31-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

NSL VIO-1762

~~SECRET~~

~~SECRET~~

You are requested to provide records responsive to this request personally to a representative of [redacted] field office of the FBI. Any questions you have regarding this request should be directed only to [redacted] field office. Due to security considerations, you should neither send the records through the mail nor disclose the substance of this request in any telephone conversation.

b2
b7E

Your cooperation in this matter is greatly appreciated.

Sincerely,

[redacted]

b2
b7E

Special Agent in Charge

~~SECRET~~

2

NSL VIO-1763

~~SECRET~~

ATTACHMENT

(S) In preparing your response to this National Security Letter, you should determine whether your company maintains the following types of information which may be considered by you to be an electronic communication transactional record in accordance with Title 18, United States Code, Section 2709:

b2
b7E

This National Security Letter does not request, and you should not provide, information pursuant to this request that would disclose the content of any electronic communication as defined in Title 18, United States Code, Section 2510(8).

~~SECRET~~

U.S. Department of Justice



Federal Bureau of Investigation

Washington, D. C. 20535-0001

[DRAFTING DIVISION]
[STREET ADDRESS]
[CITY, STATE, ZIP CODE]
[MONTH, DAY, YEAR]

[MR./MRS./MS.] [Complete name]
[TITLE, IF AVAILABLE]
[NAME OF COMPANY]
[PHYSICAL STREET ADDRESS - NO P.O. BOX]
[CITY, STATE - NO ZIP CODE]

Dear [MR./MRS./MS.] [LAST NAME] :

Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 18, United States Code (U.S.C.), Section 2709 (Section 201 of the Electronic Communications Privacy Act of 1986) (as amended), you are hereby directed to provide to the Federal Bureau of Investigation (FBI) the name, address, and length of service with respect to the following email/IP account(s) :

[provide either or both - 1) person(s) to whom the email/IP address(es) is/was registered and/or 2) the email/IP address(es)]

[NAME OF PERSON(S)]

[E-mail/IP ADDRESS(ES)]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-04-2007 BY 65179:DMH/KSR/JU

[ON A SPECIFIC DATE]

or

[FOR THE PERIOD FROM [SPECIFIC DATE] TO [SPECIFIC DATE]]
or [PRESENT]]

If the time period noted above is to the "present," that term is intended to direct production of information to the date of the processing of this letter. If providing information to the date of processing is not feasible, please provide information to the date of receipt of this letter.

In accordance with Title 18, U.S.C., Section 2709(b), I certify that the information sought is relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, and that such an

[MR./MRS./MS] [COMPLETE NAME]

investigation of a United States person is not conducted solely on the basis of activities protected by the First Amendment to the constitution of the United States.

[Certification: The nondisclosure requirement is not an automatic feature of the NSL. If the supporting EC for this NSL included Option 1 (Invoking the Nondisclosure Requirement) then include the language in the following 3 paragraphs in the NSL.]

In accordance with 18 U.S.C. § 2709(c)(1), I certify that a disclosure of the fact that the FBI has sought or obtained access to the information sought by this letter may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of a person. Accordingly, 18 U.S.C. § 2709(c)(1) and (2) prohibits you, or any officer, employee, or agent of yours, from disclosing this letter, other than to those to whom disclosure is necessary to comply with the letter or to an attorney to obtain legal advice or legal assistance with respect to this letter.

In accordance with 18 U.S.C. § 2709(c)(3), you are directed to notify any persons to whom you have disclosed this letter that they are also subject to the nondisclosure requirement and are therefore also prohibited from disclosing the letter to anyone else.

In accordance with 18 U.S.C. § 2709(c)(4), if the FBI asks for the information, you should identify any person to whom such disclosure has been made or to whom such disclosure will be made. In no instance will you be required to identify any attorney to whom disclosure was made or will be made in order to obtain legal advice or legal assistance with respect to this letter.

[Include the following language in all NSLs.]

In accordance with 18 U.S.C. § 3511(a) and (b)(1), you have a right to challenge this letter if compliance would be unreasonable, oppressive, or otherwise unlawful, and you have the right to challenge the nondisclosure requirement set forth above.

In accordance with 18 U.S.C. § 3511(c), an unlawful failure to comply with this letter, including any nondisclosure requirement, may result in the United States bringing an enforcement action.

[MR./MRS./MS] [COMPLETE NAME]

You are directed to provide records responsive to this letter [personally to a representative of the [DELIVERING DIVISION] OR through use of a delivery service to [OFFICE OF ORIGIN] OR through secure fax] within [xxxx] business days of receipt of this letter.

Any questions you have regarding this letter should be directed only to the [[DELIVERING DIVISION] OR [OFFICE OF ORIGIN], depending on whether service is personal or through a delivery service]. Due to security considerations, you should neither send the records through routine mail service nor non-secure fax, nor disclose the substance of this letter in any telephone conversation.

Your cooperation in this matter is greatly appreciated.

Sincerely yours,

[ADIC/SAC NAME]
[ASSISTANT DIRECTOR IN CHARGE/
SPECIAL AGENT IN CHARGE]

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION****Precedence:** ROUTINE**Date:** 03/08/2007**To:** **Attn:**SAC ASAC SSA SA b6
b7C
b2
b7E

Inspection

Attn:IIS, CRS **From:** General Counsel

Counterterrorism Law Unit 1/LX-1 35100

Contact: **Approved By:** Thomas Julie E.

(U)

Drafted By: **Case ID #:** (U) 278-HQ-C1229736-VIO-2180

b2

(U)

Synopsis: (S) It is the opinion of the Office of the General Counsel (OGC) that this matter must be reported to the Intelligence Oversight Board (IOB). OGC will prepare and deliver the necessary correspondence to the IOB.

(U)

~~Derived From:~~ G-3~~Declassify On:~~ 25X1**Administrative:** (S) This electronic communication (EC) contains information from: (1) the EC dated 02/23/2007 from the Field Office to OGC reporting a potential IOB matter; and (2) automated case support (ACS).

b2

b7E

Reference: (U) 278-HQ-C1229736-VIO Serial 2188**Details:** (S) By electronic communication (EC) dated 02/23/2007, requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. In our opinion, it does. Our analysis follows.OIG/DOJ REVIEW: FBI INVESTIGATION: OIG/DOJ INVESTIGATION: DATE: 4-19-07 ~~SECRET~~

DATE: 06-04-2007

CLASSIFIED BY 65179 DMH/KSF/JW

REASON: 1.4 (C)

NSL VIO-1768

DECLASSIFY ON: 06-04-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

b2
b7E

To: [REDACTED] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO: 03/08/2007

b1

b6 3) b7C
b2 b7E
b7A
b4
b7D

(S) [REDACTED]

[REDACTED] Special Agent

In Charge executed a National Security Letter (NSL) pursuant to the Electronic Communications Privacy Act (ECPA), 18 U.S.C. § 2709. In the NSL, the FBI directed [REDACTED]

to provide [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(S) [REDACTED] did not furnish the requested information to the FBI.

b4
b7D

(U) The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 09/13/1993, by Executive Order 12863, the President renamed it the Intelligence Oversight Board (IOB) and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.

(U) Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of the General Counsel (OGC), respectively) report to the IOB intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive. This language has been interpreted to mandate the reporting of any violation of a provision of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights.

(U) Violations of provisions that merely are administrative in nature and not deemed to have been designed

(S) [REDACTED]

b1
b2
b7E

~~SECRET~~

~~SECRET~~

b2 To: [REDACTED] From: Office of the General Counsel
b7E Re: 278-HQ-C1229736-VIO: 03/08/2007

to ensure the protection of individual rights are generally not reported to the IOB. The FBI Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(U) ~~(S)~~ NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention: (1) telephone and email communication records from telephone companies and internet service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709); (2) records of financial institutions (which is very broadly defined) (Right to Financial Privacy Act, 12 U.S.C. § 3414(a)(5)(A)); (3) a list of financial institutions and consumer identifying information from a credit reporting company (Fair Credit Reporting Act, 15 U.S.C. §§ 1681u(a) and (b)); and (4) full credit report in an international terrorism case (Fair Credit Reporting Act, 15 U.S.C. § 1681v). NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709. [REDACTED]

(U) ~~(S)~~ It is an open legal question whether the NSL sought records beyond the scope of ECPA, 18 USC § 2709(a). The NSL issued herein received legal counsel b2 b7E approval in the [REDACTED] Field Office, a legal determination having been made that such records fall within ECPA, which allows the FBI to obtain "subscriber information and toll billing records information, or electronic communication transactional records." 18 USC § 2709(a).

(S) [REDACTED]

b1
b5

~~SECRET~~

~~SECRET~~

b2
b7E To: [REDACTED] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO: 03/08/2007

(S) [REDACTED]

b1
b5

(S) [REDACTED] (S) [REDACTED]

b4
b7D
b5
b2

b7E (S) Nonetheless, based upon the fact that the NSL
may have inadvertently, but under the advice of legal counsel,
sought information unauthorized by the ECPA, in accordance
with the reporting requirements of Section 2.4 of Executive
Order 12863, OGC will prepare a cover letter and a memorandum
to report this matter to the IOB.

~~SECRET~~

~~SECRET~~

b2
b7E To: [REDACTED] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO: 03/08/2007

LEAD (s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Info)

b2
b7E

[REDACTED]

b2 (S) / b7E Field Office should not issue any ECPA NSLs
b7E seeking [REDACTED] until or unless official guidance is provided
b1 stating that such information may be obtained in such fashion.

cc: Ms. Thomas

b6
b7C [REDACTED] IOB Library

♦♦

~~SECRET~~

DECLASSIFIED BY: 65179 DMH/KSR/JW
ON: 06-04-2007

April 2, 2007

Mr. Stephen Friedman, Chairman
Intelligence Oversight Board
New Executive Office Building - Room 50209
725 17th Street, Northwest
Washington, DC 20503

Dear Mr. Friedman:

As you know, in March 2007, the Department of Justice, Office of the Inspector General (OIG) issued a report entitled, A Review of the Federal Bureau of Investigation's Use of National Security Letters. In Chapter Six of this report, the OIG identified 22 potential Intelligence Oversight Board (IOB) matters relating to national security letters (NSLs) in its review of a sample of investigative files in four FBI field offices. Enclosed, you will find five (5) summaries of reportable IOB matters. The Office of the General Counsel (OGC) has determined that the other 17 matters are not reportable. As always, the FBI will retain copies of those decisions for your review upon request.

The OIG divided the 22 potential IOB matters into three categories: improper authorization (1), improper requests under the pertinent NSL statutes (11), and unauthorized collections (10).

Improper authorization: OGC has determined that the one instance of improper authorization should be reported as an IOB matter. Please see enclosed summary for IOB Matter 2007- [redacted]

b2

Enclosures

1 - 278-HQ-C1229736-VIO - 2498

UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE

Derived From: G-3
Declassified On: 03/29/2032

SECRET

NSL VIO-1773

b1
b2

Improper requests under pertinent NSL statutes: OGC has determined that four of the instances noted by the OIG should be reported as IOB matters. Please see enclosed summaries for IOB Matters, 2007 [redacted] [redacted]; 2007- [redacted] (issuing an NSL requesting financial records but citing the Electronic Communications Privacy Act (ECPA), among other administrative errors); and 2007 [redacted] (issuing NSLs for full credit reports in counterintelligence cases (2 instances)).

OGC has determined that the other seven instances are not reportable IOB matters. In three instances, the FBI field office issued an NSL requesting a full credit report under the Fair Credit Reporting Act (FCRA), 15 U.S.C. 1681v, however, certification language from the Right to Financial Privacy Act (RFPA), 12 U.S.C. 3414(a)(5)(A) was used later in the NSL. All three are international terrorism cases, and therefore, the FBI was lawfully authorized to request and obtain the full credit reports. As the RFPA applies to both international terrorism and countintelligence cases, citing the certification language from that statute had no legal impact. The information provided in response to these NSLs was not sequestered because the FBI had issued lawful NSLs for that information.

In the remaining four instances, the FBI field office issued an NSL requesting a full credit report under FCRA, 15 U.S.C. 1681v, but the accompanying electronic communication (EC) mistakenly included language requesting consumer identifying information, 15 U.S.C. 1681u, instead. The mistake in the EC did not alter the investigation in any way, and this scrivener's error, citing 1681u rather than 1681v, did not violate any law. As these were all international terrorism cases and inasmuch as the NSL seeking a full credit report was authorized by the Special Agent in Charge through his or her signature on the NSL, the FBI field office had the proper legal authority to obtain full credit reports. Accordingly, this information was not sequestered.

Unauthorized collections: OGC has determined that none of the ten instances noted by the OIG are reportable IOB matters. Six of these instances involved third-party errors in which the carrier provided information beyond the scope of what was asked for in the NSL. Five times, the carrier provided information beyond the date range requested in the NSL, presumably to comport with its own billing cycle. In one instance, the carrier, a financial services provider, provided information beyond the names/addresses of financial institutions as requested by the NSL. By letter dated 11/13/2006, the Counsel to the IOB agreed that these third-party errors in the collection of information pursuant to an NSL are not reportable to the IOB.

~~SECRET~~

b2 In one instance, in an internal EC documenting the results of NSL requests, the FBI field office mistakenly cited an NSL issued [redacted] as the source of the subscriber information in the file when, in fact, that information came from an NSL issued [redacted]. As both NSLs were lawfully issued, there was no unauthorized collection. The mistake, if any, was a scrivener's error in documenting the source of the information in the file.

In another [redacted] error, the accompanying EC contained a typographical error with respect to one of the phone numbers being requested in the NSL. The NSL actually served on the provider contained two correct phone numbers. Therefore, there was no unauthorized collection.

One FBI field office served an NSL requesting subscriber information for a particular phone number that was associated with the target of an authorized investigation. In response, the provider indicated that the number was actually an [redacted]. When [redacted] the NSL was sent, the number was relevant to an authorized investigation. The fact that it turned out to be something else does not make this an unauthorized collection (or any error at all).

Finally, one FBI field office requested toll billing records "associated" with a particular phone number. In response, they received information for an associated number. Both the requested number and the associated number were subscribed to by the same individual. The plain language of ECPA and the legislative history support the position that the FBI is permitted to request and acquire information on associated numbers attributable to the same account. Therefore, the NSL was lawfully issued and the results were not an unauthorized collection.

Please find enclosed summaries of the five IOB matters identified by the OIG report that OGC has determined are, indeed, reportable. Hopefully, the brief explanations above will satisfy you that the remainder of the 17 potential IOB matter identified by the OIG report were not, in fact, reportable. As always, however, the FBI has retained copies of the decisions if you wish to review them.

~~SECRET~~

Please don't hesitate to contact me or Associate
General Counsel [redacted] (202-324-[redacted]) if you have questions
about any of these IOB matters.

b6
b7C
b2

Sincerely

Julie F. Thomas
Deputy General Counsel
National Security Law Branch

- 1 - The Honorable Alberto Gonzales
Attorney General
U.S. Department of Justice
Room 5111
- 1 - Mr. Matt Olsen
Deputy Assistant Attorney General
National Security Division
U.S. Department of Justice
Room 2200 C
- 1 - Ms. Margaret Skelly-Nolen
Acting Counsel
Office of Intelligence Policy and Review
U.S. Department of Justice
Room 6150

SECRET

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

b2
b7E

[REDACTED] DIVISION
IOB MATTER 2007 [REDACTED] (U)

b1 (S) (S) By electronic communication dated 02/23/2007, the
b4 Federal Bureau of Investigation (FBI), [REDACTED] Field Office,
reported a possible Intelligence Oversight Board (IOB) matter.
b2 [REDACTED] reported that on 11/29/2005 [REDACTED]
b7E charge executed a National Security Letter (NSL) pursuant to the
b7D Electronic Communications Privacy Act (ECPA) 18 U.S.C. § 2709,
[REDACTED]
[REDACTED] did not furnish the requested
information to the FBI.

(U) (S) (X) It is an open legal question whether the [REDACTED] NSL
sought records beyond the scope of ECPA, 18 USC § 2709(a). The
b2 NSL issued herein received legal counsel approval in the [REDACTED]
b7E Field Office, a legal determination having been made that such
records fall within ECPA, which allows the FBI to obtain
"subscriber information and toll billing records information, or
electronic communication transactional records." 18 USC
§ 2709(a).

(S) [REDACTED]

b1
b4
b7D

(S) (S) While it remains unclear whether [REDACTED] NSL was
statutorily authorized, [REDACTED] never provided [REDACTED]. Thus,
b1 there was never an unauthorized collection in violation of the
b7D NSIG and ECPA; the subjects rights were not violated.

b2 (S) (S) Nonetheless, in accordance with the reporting
b7E requirements of Section 2.4 of Executive Order 12863, this matter
is being reported based upon the fact that the NSL may have
inadvertently sought information unauthorized by the ECPA. The
Office of General Counsel ("OGC") has reported this matter to the
FBI's Inspection Division for appropriate action.

Derived From : G-3
Declassify On: 03/29/2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE OTHERWISE SHOWN

DATE: 06-04-2007
CLASSIFIED BY: 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 06-04-2032

~~SECRET~~

b2 INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
b7E [REDACTED] FIELD OFFICE
(S) IOB MATTER 2007 [REDACTED] (U)

b1 (S) By electronic communication dated February 22, 2007, the Federal Bureau of Investigation (FBI) Field Office [REDACTED] reported that, on June 23, 2004, the FBI submitted a National Security Letter (NSL) seeking telephone toll billing records relating to a certain target [REDACTED]. Due to b4 confusion as to when the investigation was to have expired, the NSL was erroneously issued after the expiration date of the case. b2 Clarification of the expiration date came to the attention of b7E FBI [REDACTED] during an Office of Inspector General (OIG) audit in the Summer of 2006. FBI [REDACTED] was asked to b7D sequester the provided phone records, but they responded that the carrier provided them with a letter advising that there were no records associated with the NSL request.

b1 (S) By electronic communication dated February 22, 2007, FBI [REDACTED] reported that, on November 23, 2004, FBI- b4 Philadelphia submitted two NSLs in an intelligence investigation b7D seeking [REDACTED] pursuant to a statute specifically made available for terrorism matters only. These NSLs were b2 issued [REDACTED]. This mistake was an error on b7E the part of FBI [REDACTED], who has since sequestered all documents received from these erroneously issued NSLs.

b2 (S) Due to the incorrect actions stated above, FBI- b7E [REDACTED] has taken steps to sequester all documents obtained from these two incidents. The errors were discovered during an OIG audit of the FBI's [REDACTED] Field Office in the Summer of 2006. Despite the inadvertent nature of the mistake, the fact remains that information was improperly collected. The improper collection of this information was a violation of the Attorney General's Guidelines for FBI National Security Investigations. Thus, the matter is being reported to the IOB.

Derived from: G-3
Declassify on: 25X-1

~~SECRET~~

DATE: 06-04-2007
CLASSIFIED BY 65173 DMB/KSP/JW
REASON: 1.4 (C)
DECLASSIFY ON: 06-04-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

b2 [redacted] FIELD OFFICE

JOB MATTER 2007

(S) \rightarrow (S)

The Division reported on 02/23/2007

(U) This matter has been reported to the FBI's Inspection Division for appropriate action.

~~SECRET~~

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION**

b2

o7

Precedence: ROUTINE

Date: 02/21/2001

To: Inspection
General Counsel
[redacted]Attn: IIS, Room 11861
Attn: NSLB, Room 7975
SSA [redacted]
Attn: CDC/Legal Unit
CDC [redacted]

From: [redacted]

Contact: [redacted]

b2
b7E
b6
b7C

Approved By: [redacted]

(U) Drafted By: [redacted]

Case ID #: (S) 278-HO-C1229736-VIO
(U) 278-[redacted]-C136372 - 125

(U) Title: (U) INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

Synopsis: (S) Report of a IOB matter.

(U) (S) Derived From : G-3
Declassify On: X1

Details:

b1 (S) 1. [redacted]

b6 [redacted]

b7C [redacted]

b2 [redacted]

b7E (S) b6 Case Agent: [redacted] Task force [redacted]
b7C Supervisor: SSA [redacted]

b1 (S) 2. [redacted]

b6 [redacted]

b7C (S) 4. No Foreign Intelligence Surveillance Act (FISA) request
has been submitted to Office of Intelligence Policy and Review,
Department of Justice (OIPR).

(U) (S) 5. IOB Error:

b6 CCRs [redacted]
b7C [redacted]DATE: 06-04-2007
CLASSIFIED BY: 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 06-04-2032~~SECRET~~ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

NSL VIO-1780

~~SECRET~~

b2 To: Inspection From: [redacted]
b7E Re: (X) 278-HQ-C1229736-VIO, 02/21/2007

b1 (S) [redacted]

b2 [redacted]

(b7E) (X) Description of IOB Error (including any reporting delays):

(S) b1 (S) [redacted] A
National Security Letter was approved by the [redacted] Division

b6 [redacted]

b7C The EC requested consumer identifying information [redacted]

b2 [redacted]

b7E [redacted]

b7D [redacted] The NSL requested that the FBI be provided with [redacted]
b4 [redacted] and all other information [redacted]

(S) [redacted] This
appears to be a potential IOB violation due to the NSL requesting
FCRA consumer full credit report when the SAC approved an EC for
consumer identifying info and financial institutions. It was the
writer's intention to request the full credit report at the time of
the NSL was prepared and the writer miss read the example for the
this type of NSL.

(U) (X) The reasons for the delay on reporting this potential IOB
violation are as follows:

b2 (1) [redacted] was not aware of the listed mistake until
b7E the OIG conducted an NSL audit [redacted]. At that time [redacted]
b6 [redacted] interviewed by an OIC Inspector over the telephone and was
not informed that there was an potential IOB violation.

b7C (2) [redacted] was not advised of the potential IOB violation
until being notified by CDC [redacted] on 02/21/2007.

~~SECRET~~

2

NSL VIO-1781

~~SECRET~~

b2 U To: Inspection From:
b7E Re: (A) 278-HQ-C1229736-VIO, 02/21/2007

LEAD(s):

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

♦♦

~~SECRET~~

3

NSL VIO-1782

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 11/12/2004

To: General Counsel

Attn: [REDACTED]

From: [REDACTED]

b6
b7C
b2
b7E

Contact: [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED]

(S)b1

b2

Case ID #: [REDACTED] (Pending)

b7E

(U)

(S)

66F-[REDACTED]FC212092-NSL

(S)

66F-HQ-C1213150-NSL

b1
b6
b2
b7E

Title: ((S)) [REDACTED]

OO: [REDACTED]

b1 (S) [REDACTED] National
b1 (S) [REDACTED] Security Letter (NSL); [REDACTED]

b7D

b2

b7E (S)

(X) (U)

Derived From : G-3

Declassify On: X1

b1
b6
b7C
b7D
b4

Enclosure(s): (X) [REDACTED]

(S) [REDACTED]

~~SECRET~~

DATE: 06-04-2007
CLASSIFIED BY 65179 DME/KSR/JU
REASON: 1.4 (C)
DECLASSIFY ON: 06-04-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

NSL VIO-1783

~~SECRET~~

b2
b7E To: General Counsel From: [redacted]
b1 Re: b1 (X) [redacted]

11/12/2004

(S) [redacted]

b1 [redacted]

Details: (S) [redacted]

b1 [redacted]

b6 [redacted]

b7C [redacted]

b7D were issued [redacted] NSLs

b2 [redacted]

b7E [redacted]

b4 required [redacted]

[redacted] Due to this possibly FBI Headquarters has

(U) Consumer reports received from a consumer reporting agency must be clearly identified when reported in any Bureau communication. Subsequent dissemination of such information is prohibited, except to other Federal agencies or military investigative entities as may be necessary for the approval or conduct of a foreign counterintelligence investigation.

(U) The Supervisor affirms that you, the Case Agent, have checked all of the appropriate FBI databases regarding a prior request by any field office for the material requested. The requested material does not appear to be available from public sources.

b2 (U) Any questions regarding the above can be directed
b7E to [redacted] Field Division, Attention: SFO [redacted]
b6 [redacted] phone number [redacted]

b7C (S) This electronic communication documents the SAC's approval and certification of the enclosed NSL. [redacted]

b1

~~SECRET~~

experienci.ec

~~SECRET~~

b2 (S) b7E To: General Counsel From: [REDACTED]
b1 Re: (X) [REDACTED] 11/12/2004

b1 [REDACTED]
b6 [REDACTED]
b7C (S) [REDACTED]
b2 (X) A representative [REDACTED]
b7E [REDACTED] should deliver the
b7D letter [REDACTED]

(S) (U) On 11/09/2001, the Director designated the
official signing the enclosed letter as authorized to make the
required certification.

(S) (X) [REDACTED] should remind [REDACTED] that, under
b2 Title 15, United States Code, Section 1681v(c), it is prohibited
from disclosing that the FBI has made this request. In addition,
b7E [REDACTED]

b1 [REDACTED]
b7D [REDACTED]
b4 (S) (X) Arrangements should be made [REDACTED] to
provide the records personally to a representative of your
b1 office. [REDACTED] should neither send the records through the mail
b7D nor utilize [REDACTED] in any telephone calls to
manner. [REDACTED] should not contact FBIHQ directly in any
b4 [REDACTED]

~~SECRET~~

experience.ec

b2
(S) b7E To: General Counsel From: [redacted]
b1 Re: (U) [redacted]

~~SECRET~~

11/12/2004

LEAD(s):

Set Lead 1: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) NSLU is requested to record the appropriate information needed to fulfill the Congressional reporting requirements for NSLs.

Set Lead 2: (Action)

b2
b7E
b2
b7E
b1
b7D
b4
b6
b7C

[redacted]

(S) Deliver the attached letter [redacted]

[redacted] is requested to submit results to [redacted]

♦♦

~~SECRET~~

experience.ec

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION****Precedence:** ROUTINE**Date:** 03/08/2007**To:** **Attn:** Squad 17A

Counterterrorism

Attn: ITOS 1/CONUS 4/Team 15

Inspector

Attn: Internal Investigative
Section**Attn:** Rm. 11865**From:** General Counsel

National Security Law Branch/CTLU1/LX-1/3S-100

Contact:

b6

b7C

b2

b7E

Drafted By:

(U)

Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO-2510 (Pending)

(S)

b1

(U)

Title: ~~(S)~~b2 ~~(S)~~

INTELLIGENCE OVERSIGHT BOARD

b7E

(IOB) MATTER 2007-

b2

(U)

Synopsis: ~~(S)~~ It is the opinion of the Office of General Counsel ("OGC") that the above-referenced matter need not be reported to the Intelligence Oversight Board ("IOB"). Our analysis follows.

(U)

~~(S)~~ **Derived From :** G-3~~(S)~~ **Declassify On:** 03/08/2032

(U)

Reference: ~~(S)~~ 278-HQ-C1229736-VIO-2204**Administrative:** (U) This communication contains one or more footnotes. To read the footnotes, download and print the document in Corel WordPerfect.

DATE: 06-04-2007

CLASSIFIED BY 65179 DMH/KSR/JW

REASON: 1.4 (C)

DECLASSIFY ON: 06-04-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISEb6
b7C

OIG/DOD REVIEW:

FBI INVESTIGATION

OIG/DOD INVESTIGATION

~~SECRET~~

DATE: 4-19-07

(P)

NSL VIO-1787

~~SECRET~~

(U) b2
b7E To: [REDACTED] From: General Counsel
Re: [REDACTED] 278-HQ-C1229736-VIO, 03/08/2007

(S)

b1
b6
b7C **Details:** (X) By electronic communication (EC) dated February 21, 2007, referenced above,¹ the [REDACTED] Division [REDACTED] b2 reported a possible IOB error in conjunction with its counterterrorism investigation [REDACTED] b7E In this regard, [REDACTED] reported that on February 21, 2007, it became aware that the Office of Inspector General ("OIG") had identified a potential IOB violation during the OIG's previous audit. Specifically, OIG advised that [REDACTED] issuance of a National Security Letter ("NSL") on November 12, 2004 may have constituted an IOB violation.²

(S)

(S)

(X) The NSL issued by [REDACTED] requested [REDACTED] provide a copy of a consumer report and all other information contained in its files [REDACTED] The NSL properly cited to the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. §1681v, as the statutory basis for the request. The NSL was signed by [REDACTED] Special Agent in Charge ("SAC") and subsequently served [REDACTED]

b2 (i)

b7E

b1

b6

b7C (i)

b7D

b4

(X) The EC accompanying the NSL, which was also signed by the SAC, approved the issuance of an NSL "requesting consumer identifying information limited to [REDACTED] [REDACTED] The drafter of this EC mistakenly included language requesting [REDACTED] as opposed to language requesting [REDACTED]. It was [REDACTED] (S) [REDACTED] intention to obtain a full credit report [REDACTED] and the NSL ultimately served upon [REDACTED] accurately reflected this intent. See, [REDACTED] EC.

(U) (X) As required by Executive Order (E.O.) 12863 and b2 Section 2-56 of the National Foreign Intelligence Program b7E Manual ("NFIPM"), OGC was tasked to determine whether [REDACTED]

b2
b7E ¹ (U) See, EC from the [REDACTED] Division to the General Counsel, dated 02/21/07, Case ID# 278-HQ-C1229736-VIO, Serial 2204, titled "Intelligence Oversight Board Matter."

² (U) Id.

~~SECRET~~

~~SECRET~~

(U)

To: [REDACTED] From: General Counsel
Re: (S) 278-HQ-C1229736-VIO, 03/08/2007

b2
b7E

[REDACTED] issuance of the NSL's described above is a matter which must be reported to the IOB. It is not.

(U) Section 2.4 of E.O. 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community Components (in the FBI, the Assistant Director, INSD, and the General Counsel, OGC, respectively) report to the IOB "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive." This language was adopted verbatim from E.O. 12334, dated 12/04/1981, when the IOB was known as the President's Intelligence Oversight Board ("PIOB"). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the NSIGs, or other guidelines or regulations approved by the Attorney General in accordance with E.O. 12333, dated 12/04/1981, if such provision was designed in full or in part to ensure the protection of the individual rights of U.S. persons. Violations of provisions that are essentially administrative in nature need not be reported to the IOB. The FBI is required, however, to maintain records of such administrative violations so that the Counsel to the IOB may review them upon request.

(U) Section 2.4 of E.O. 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division, and the General Counsel, OGC, respectively) report to the IOB all information "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive."

(S) Although the November 12, 2004 EC erroneously approved the issuance of an NSL requesting consumer identifying information, the NSL served upon the provider correctly requested [REDACTED] and cited the appropriate statutory authorities for said request. The [REDACTED]

b1
b7D
b2
b7E
b4

[REDACTED] SAC signed the NSL which was served [REDACTED] and no over-collection occurred when [REDACTED] furnished [REDACTED] [REDACTED] with responsive [REDACTED] These actions constitute a clerical error on behalf of the FBI but do not amount to an IOB and/or FCRA violation.

~~SECRET~~

~~SECRET~~

b2 To: [REDACTED] From: General Counsel
b7E Re: (S) 278-110-C1229736-VIO, 03/08/2007

(U) Based upon these facts, in accordance with the terms implementing the reporting requirements of Section 2.4 of EO 12863, it is our opinion that this error need not be reported to the IOB. A record of this decision should be maintained in the control file for future review by the Counsel to the IOB.

~~SECRET~~

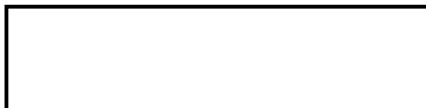
~~SECRET~~

To: From: General Counsel
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/08/2007

b2

b7E **LEAD(s):**

Set Lead 1: (Info)



(U) Read and clear.

Set Lead 2: (Info)

COUNTERTERRORISM

AT ITOS 1/CONUS 2/TEAM 7

(U) Read and clear.

Set Lead 3: (Action)

INSPECTION

AT IIS

(U) INSD should retain a record of the report of the potential IOB matter, as well as a copy of the OGC opinion concluding that IOB notification is not required, for three years for possible review by Counsel to the IOB.

♦♦

~~SECRET~~

SECRET

FEDERAL BUREAU OF INVESTIGATION

b2
b7

Precedence: ROUTINE

Date: 02/21/2007

To: Inspection
General CounselAttn: IIS, Room 11861
Attn: NSLB, Room 7975
SSA [redacted]
Attn: CDC/Legal Unit
CDC [redacted]b6
b7C
b2
b7E

From: [redacted]

Contact: [redacted]

Approved By: [redacted]

(U) Drafted By: [redacted]

cb2 ID #: (X) 278-HQ-C1229736-VIO
b7E (U) 278 [redacted]-C136372 - 136

Title: (U) INTELLIGENCE OVERSIGHT BOARD (IOB) MATTERS

(U) Synopsis: (S) Report of a Potential IOB matter.

(U) (S) Derived From: G-3
Declassify On: X1

Details:

b1 (S) 1. [redacted]

b6

b7C

(U)

b2 (X) b6 [redacted]

b7E b7C Case Agent: [redacted]

Supervisor: SSA [redacted]

b1

b6 (S) 3. [redacted]

(U) b7C (X) 4. No Foreign Intelligence Surveillance Act (FISA) request
has been submitted to Office of Intelligence Policy and Review,
Department of Justice (OIPR).

(U) (S) 5. IOB Error:

St. Miller 04/24/07
b6 RS [redacted] 04/26/07

SECRET

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISEDATE: 06-04-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 06-04-2032

NSL VIO-1792

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION****Precedence:** ROUTINE**Date:** 03/13/2007**To:** [REDACTED]**Attn:** SAC [REDACTED]
ASA [REDACTED]
CDC [REDACTED]
SSA [REDACTED]
TFO [REDACTED]b6
b7C
b2
b7E

Counterterrorism

Attn: ITOS 1, CONUS 4

Inspection

Attn: IIS, CRS [REDACTED]**From:** General Counsel
Counterterrorism Law Unit I/LX-1 3S100
Contact: [REDACTED]**Approved By:** Thomas Julie [REDACTED]**Drafted By:** [REDACTED] 2545
Case ID #: (U) 278-HQ-C1229736-VIO (Pending)

b2

Title: (S) INTELLIGENCE OVERSIGHT BOARD
MATTER 2007- [REDACTED]**(U) Synopsis:** (S) It is the opinion of the Office of the General Counsel (OGC) that this matter is not reportable to the Intelligence Oversight Board (IOB). Rather, it should be maintained in the control file for periodic review by Counsel to the IOB. Our analysis follows.(U) **Derived From :** G-3
Declassify On: 03/13/2032b2
b7E**(U) Administrative:** (S) This electronic communication (EC) contains information from: (1) the EC dated 02/21/2007 from the [REDACTED] Field Office [REDACTED] to OGC reporting a potential IOB matter; and (2) automated case support (ACS).**Reference:** (U) 278-HQ-C1229736- Serial 2205
(S) 278 [REDACTED] C136372 Serial 126b6
b7COIG/DOJ REVIE
FBI INVESTIGA
OIG/DOJ INVESTIGATION: [REDACTED]DATE: 4-19-07 ~~SECRET~~DATE: 06-04-2007
CLASSIFIED BY 68179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 06-04-2032ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

To: [REDACTED] From: Office of the General Counsel
Re: 278-HQ-C1229736-2205, 03/13/2007

b2

b7E

Details: (S) By EC dated 02/21/2007, [REDACTED] requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. As explained below, in our opinion, the FBI is not required to report this matter to the IOB.

(S) [REDACTED]

(S) Special Agent In Charge executed two documents (1) a National Security Letter (NSL) pursuant to the Electronic Communications Privacy Act (ECPA), 18 U.S.C. § 2709, [REDACTED] and (2) an EC approving the issuance of such NSL.

b1

b2

b7E

b4

b7D

(S)

(S) The EC approving the issuance of the NSL contained an error. Due to an apparent typographical error, it mistakenly authorized the issuance of an NSL [REDACTED] However, as stated above, the NSL stated the correct telephone numbers.

(S) [REDACTED] provided subscriber information which confirmed [REDACTED] was in fact the subscriber for [REDACTED] telephone numbers set forth in the NSL. No information was ever sought or received [REDACTED] relating to the wrong number set forth in the authorizing EC.

(U) The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 09/13/1993, by Executive Order 12863, the President renamed it the Intelligence Oversight Board (IOB) and established the Board as a standing committee of the

b1

b2 (S)

b7E

~~SECRET~~

~~SECRET~~

b2
b7E

To: [REDACTED] From: Office of the General Counsel
Re: 278-HQ-C1229736-2205, 03/13/2007

President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.

(U) Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of the General Counsel (OGC), respectively) report to the IOB intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive. This language has been interpreted to mandate the reporting of any violation of a provision of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights.

(U) Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB. The FBI Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(U) NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention: (1) telephone and email communication records from telephone companies and internet service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709); (2) records of financial institutions (which are very broadly defined) (Right to Financial Privacy Act, 12 U.S.C. § 3414(a)(5)(A)); (3) a list of financial institutions and consumer identifying information from a credit reporting company (Fair Credit Reporting Act, 15 U.S.C. §§ 1681u(a) and (b)); and (4) full credit report in an international terrorism case (Fair Credit Reporting Act, 15 U.S.C. § 1681v). In addition to FCRA, 15 U.S.C. §§ 1681u(a) and (b) information (financial institutions and consumer identifying information), under 15 U.S.C. 1681u(c), if certain factors are met, the FBI

~~SECRET~~

~~SECRET~~

b2 To: [REDACTED] From: Office of the General Counsel
b7E Re: 278-HQ-C1229736-2205, 03/13/2007

is able to obtain full consumer reports in both counterintelligence and international terrorism investigations by an ex parte court order.

(U)

(S) Here, [REDACTED] the FBI properly served an NSL that requested lawful information. In the NSL, [REDACTED] requested the [REDACTED] Because the NSL contained the [REDACTED] correct telephone numbers, the fact that the authorizing EC contained an apparent typographical error neither resulted in the issuance of an erroneous NSL, nor an unauthorized collection in violation of the NSIG and ECPA.

(U) Based upon these facts, in accordance with the terms implementing the reporting requirements of Section 2.4 of EO 12863, it is our opinion that this error is not reportable to the IOB. The apparent typographical error in the EC authorizing the issuance of the NSL did not result in the issuance of an inaccurate NSL or an over collection. A record of this decision should be maintained in the control file for future review by the Counsel to the IOB.

~~SECRET~~

~~SECRET~~

b2
b7E

To: [REDACTED] From: Office of the General Counsel
Re: 278-HQ-C1229736-2205, 03/13/2007

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) INSD should retain a record of the report of the potential IOB matter, as well as a copy of the OGC opinion concluding that IOB notification is not required, for three years for possible review by the Counsel to the IOB.

Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

[REDACTED]

(U) [REDACTED] should issue a corrected EC setting forth these matters. [REDACTED] should implement steps to ensure that similar errors do not occur in the future.

cc: Ms. Thomas

b6

b7C

[REDACTED]
IOB Library

♦♦

~~SECRET~~

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION**b2
b7C**Precedence:** ROUTINE**Date:** 03/08/2007**To:** Inspection
General Counsel
[redacted]**Attn:** IIS, Room 11861
Attn: NSLB, Room 7975
Attn: CDC/Legal Unit**From:** [redacted]**Contact:** SA [redacted]b6
b7C
b2
b7E**Approved By:** [redacted](U) **Drafted By:** [redacted]**Case ID #:** (S) 278-HO-C1229736-VIO - 228

(S) [redacted]

b1
b2 **Title:** (U) REPORT OF A POTENTIAL INTELLIGENCE OVERSIGHT BOARD (IOB)
b7E MATTER(U)b2 **Synopsis:** (S) The [redacted] Division reports a possible IOB matter and
b7E requests that the Office of General Counsel (OGC) review the facts of
the captioned matter and determine whether it warrants reporting to
the IOB.(S) **Derived From :** G-3
Declassify On: X1(U) **Details:**

(S) 1. [redacted]

b1
b6
b7C
b7A
b2
b7E
b4
b7D (S) 2. A National Security Letter. [redacted] was approved
by the [redacted] Division and served [redacted] This NSL
requested [redacted]FBI Investigative
Analyst [redacted] received and forwarded the returned NSL
result to SA [redacted]b1 (S) The results provided additional information that was not
requested in the NSL. This additional information included [redacted]

SC Miller 02/27 4/26/07

~~SECRET~~b6
b7CCRS [redacted] KAW 04/25/07
DATE: 04-04-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 06-04-2032ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

NSL VIO-1800

~~SECRET~~

b2 (u)
b7E To: Inspection From: [redacted]
Re: (S) 278-HQ-C1229736-VIO, 03/08/2007

b1 (S) [redacted]

b4

b7D

[redacted] The NSL did not request any of this information.

(S)

(X) Upon discovery of this information, SA [redacted] contacted [redacted] and CDC AGC [redacted] and [redacted] Investigative Analyst [redacted] and advised them of what had been returned to him [redacted] IA [redacted] is the [redacted] Division contact for NSLs regarding [redacted] In accordance with CDC ACG [redacted] instructions. SA [redacted] separated the improperly provided information [redacted]

b6

b7C

b1

b7D

b2

b7E

[redacted] and presented them to the CDCs office in order for them to be sequestered until [redacted] receives clear guidance from NSLB for disposition of these documents. The information from these documents has not been uploaded into ACS or put into any case file.

~~SECRET~~

2

NSL VIO-1801

~~SECRET~~

b2
b7E(U) To: Inspection From:
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/08/2007

LEAD (s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

♦♦

~~SECRET~~

3

NSL VIO-1802

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/22/2007

To:

Attn: SAC
CDC

Counterterrorism

Attn: ITOS 1, CONUS 2, Team 7

b6
b7C
b2
b7E

Inspection

Attn: TTS

Approved By: Thomas Julie

Drafted By:

(U) Case ID #: (S) 278-HO-C1229736 VIO *10/20/2023*

TI b2 : (U) Intelligence Oversight Board
b7E (IOB) Matter 2007- [redacted]

(U)  Derived From : G-3
Declassify On: 03/22/2032

(U) Reference: (S) 278-HQ-C1229736-VIO-2225

(U) b2 b7E Data : (S) By electronic communication (EC) dated 03/14/2007 and referenced above, the [REDACTED] Division [REDACTED] reported to the OGC's National Security Law Branch (NSLB) and the Inspection Division this potential IOB matter.

b1 (s) b6 b7c

b7c (S) [redacted] National Security Letter (NSL)
b2 [redacted] requested subscriber information b1 [redacted]

b7D b6
b2 **DIG/DOJ REV** b7C
b7E **FBI INVESTIGATION** DATE: 4-19-01 **SECRET**

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

b4 DIG/DOJ INVESTIGATION: DATE: 06-04-2007 PERIOD: 10-06-2007-10-06-2007
WHERE SHOWN OTHERWISE

DATE: 06-04-2007 NSL-VIO-1803
CLASSIFIED BY 65179 DMR/ER/ROW
REASON: 1.4 (C)
DECLASSIFY ON: 06-04-2032

~~SECRET~~

(U)

To: Counterterrorism From: General Counsel
Re: (S) 278-HQ-C1229736-VIO, 03/22/2007

under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 18, United States Code (U.S.C.), Section 2709 (Section 201 of the Electronic Communications Privacy Act of 1986) (as amended). Specifically sought were [redacted]

(S)

b1
b6
b7C
b7D

[redacted]

(S)

(S) [redacted] the FBI received the result [redacted]

b1
b7D [redacted] When the case agent, [redacted] reviewed
b6 the results he discovered [redacted] had provided
b7C additional information that was not described above [redacted]

b4

(S) SA [redacted] contacted AGC [redacted] in the [redacted]
b1 CDC's office immediately. AGC [redacted] advised the SA [redacted] to
b6 segregate: [redacted]

b7C

b2

b7E

b7D

[redacted] AGC [redacted] advised that this information should be
forwarded to the CDC's office in [redacted]. SA [redacted] complied with
these instructions. The additional information has been received
and sequestered in the CDC's office. None of the information was
uploaded into ACS or placed in the case file.

(U) The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 09/13/1993, by Executive Order 12863, the President renamed it the Intelligence Oversight Board (IOB) and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices

~~SECRET~~

~~SECRET~~

(U) To: Counterterrorism From: General Counsel
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 03/22/2007

and procedures relating to foreign intelligence and foreign counterintelligence collection.

(U) Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of the General Counsel (OGC), respectively) report to the IOB intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive. This language has been interpreted to mandate the reporting of any violation of a provision of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights. Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB. The FBI Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(U) ~~(S)~~ NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention: (1) telephone and email communication records from telephone companies and internet service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709); (2) records of financial institutions (which is very broadly defined) (Right to Financial Privacy Act, 12 U.S.C. § 3414(a)(5)(A)); (3) a list of financial institutions and consumer identifying information from a credit reporting company (Fair Credit Reporting Act, 15 U.S.C. §§ 1681u(a) and (b)); and (4) full credit report in an international terrorism case (Fair Credit Reporting Act, 15 U.S.C. § 1681v). NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709.

(S) ~~(S)~~ In this instance, properly served an NSL requesting subscriber information

b1 b7D In addition to the responsive records, due to an error by also received records beyond the scope of that requested in the NSL.

~~SECRET~~

~~SECRET~~

(U)

To: Counterterrorism From: General Counsel
Re: (X) 278-HQ-C1229736-VIO, 03/22/2007

(S)

b1 (X) Based on our analysis, [redacted] error is not
b7D reportable to the IOB as the FBI has not acted unlawfully or
b4 contrary to Executive Order or Presidential Directive.

(U)

(X) Based upon these facts, in accordance with the
terms implementing reporting requirements of Section 2.4 of EO
12863, it is our opinion that this error is not reportable to the
IOB. A record of this decision should be maintained in the
control file for future review by the Counsel to the IOB.

(S)

b1 (X) Since the additional records in this instance are
b7D still relevant to the authorized investigation, the additional
b2 records may be maintained by the FBI if an additional NSL is
b7E served for those records. Otherwise, [redacted] should contact
b4 [redacted] and ask whether the improperly or unintentionally
acquired information should be returned or destroyed with
appropriate documentation to the file.

~~SECRET~~

~~SECRET~~

(U) To: Counterterrorism From: General Counsel
Re: (S) 278-HQ-C1229736-VIO, 03/22/2007

LEAD (s) :

Set Lead 1: (Action)

b2

b7E

(S)

b1

b7D

b2

b7E

b4



Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) For information.

Set Lead 3: (Action)

INSPECTION

AT WASHINGTON, DC

(U) INSD should retain a record of the report of the potential IOB matter, as well as a copy of the OGC opinion concluding that IOB notification is not required for three years for possible review by the Counsel to the IOB.

♦♦

~~SECRET~~

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION**[Redacted]
[Redacted]

b2

Precedence: ROUTINE**Date:** 02/20/2007**To:** Inspection
General Counsel**Attn:** IIS, Room 11861
Attn: NSLB, Room 7975**From:** [Redacted]**Contact:** SA [Redacted]b2
b7E
b6
b7C**Approved By:** [Redacted]**Drafted By:** [Redacted](U) **Case ID #:** ~~(S)~~ 278-HQ-C1229736-VTO **(Pending) - 2213*** #1 (S)
#2 (S)
b1 #3 (S)
b2 #4 (S)
b7E #5 (S)

(b7A) (U) REPORT OF A POTENTIAL IOB MATTER

(U) **Synopsis:** ~~(S)~~ To report a potential IOB matter.(U) ~~(S)~~ **Derived From:** G-3
Declassify On: 02/20/2032**Reference:** 278-HQ-C1229736 Serial 2570(U) **Details:** ~~(S)~~ On 02/15/2007, the writer discovered a potential Intelligence Oversight Board (IOB) matter when reviewing several counterintelligence case files in the process of issuing additional National Security Letters (NSLs). Under the Fair Credit Reporting Act, Title 15, United States Code, Sections 1681u(a) and (b), the FBI can obtain a list of financial institutions and consumer identifying information from a credit reporting company. Under Section 1681v, however, the FBI can obtain a full credit report only in an international terrorism case. In five separate cases, [Redacted]
FBI issued NSLs under Sections 1681u(a) for [Redacted]b6
b7C
b2
b7E[Redacted] instead of these limited reports, [Redacted] FBI received [Redacted]
[Redacted] from sometimes as many as two of [Redacted] providers.
[Redacted] These are provider errors. During all relevant times, the writer was the case agent and the writer's supervisor was SSA [Redacted]

** OGC handled all 5 cases as one OGC. **

b6
b7C

SC Miller [Redacted]

DM 4/24/07 [Redacted]

~~SECRET~~

(747) [Redacted]

b2

DATE: 06-04-2007
CLASSIFIED BY 55179 DMH/KSP/JW
REASON: 1.4 (C)
DECLASSIFY ON: 06-04-2032ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

NSL VIO-1808

(U) To: Inspection From: [REDACTED]
Re: (X) 278-HQ-C1229736-VIO, 02/20/2007

(S) [REDACTED]

NSLs [REDACTED] were issued [REDACTED]

[REDACTED] returned a response. On [REDACTED]

(1) [REDACTED] returned a result. These materials in an FD-340 (1A) were filed until the writer had sufficient time for review and further production of [REDACTED] results. During a review [REDACTED] the response [REDACTED] was found to be [REDACTED]

(S) [REDACTED]

NSLs [REDACTED] were issued [REDACTED]

[REDACTED] returned a response.

(2) [REDACTED] returned a result. These materials in a 1A were filed until the writer had sufficient time for review and further production of NSLs based on the results. During a review on [REDACTED] the responses [REDACTED]

b1
b7D

b6

b7C

b2

b7E

b7A

b4

[REDACTED] were found to be [REDACTED]

(S) [REDACTED]

NSLs [REDACTED] were issued [REDACTED]

[REDACTED] returned a response. On [REDACTED]

(3) [REDACTED] returned a response. On 12/12/2006, [REDACTED] returned a result. These materials in a 1A were filed until the writer had sufficient time for review [REDACTED] During a review [REDACTED] the responses [REDACTED] were found to be [REDACTED]

(S) [REDACTED]

NSLs [REDACTED]

[REDACTED] returned a response. [REDACTED]

(4) [REDACTED] returned a response. [REDACTED] returned a result. These materials in a 1A were filed until the writer had sufficient time for review [REDACTED]

the responses [REDACTED] were found to be [REDACTED]

(S) [REDACTED]

NSLs [REDACTED] were issued [REDACTED]

[REDACTED] returned a response. [REDACTED]

(5) [REDACTED] returned a response. [REDACTED] returned a result. These materials in a 1A were filed until the writer had

~~SECRET~~

b2 (U) To: Inspection From: [REDACTED]
b7E Re: (S) 278-HQ-C1229736-VIO, 02/20/2007

sufficient time for review [REDACTED]

b1
b7D 3)

[REDACTED] responses from [REDACTED] were found to be [REDACTED] the
b4
b2
b7E

This communication, consistent with the directives in the referenced communication, provides this information to report these potential IOB provider errors for whatever action is deemed appropriate.

~~SECRET~~

3

NSL VIO-1810

~~SECRET~~

(U) To: Inspection From:
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/20/2007

b2
b7E

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

(U) For action deemed appropriate.

Set Lead 2: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For action deemed appropriate.

♦♦

~~SECRET~~

4

NSL VIO-1811

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION****Precedence:** ROUTINE**Date:** 03/20/2007**To:** [REDACTED]**Attn:** SAC
CDCInspection
CounterintelligenceSSA
SA**Attn:** IIS
Attn: [REDACTED]**From:** Office of the General Counselb2
b7E
b6
b7C

National Security Law Branch/Office of General Counsel

Contact: AGC [REDACTED]

Approved By: Thomas Julie [REDACTED]**Drafted By:** [REDACTED]

3192

Case ID #: (U) 278-HQ-C1229736-VTO (Pending)(S) b1 (U)
b2 (U)
b7E (U)
b7A (U)(U) **Title:** (S) INTELLIGENCE OVERSIGHT BOARD
MATTER 2007- [REDACTED](U) **Synopsis:** (S) It is the opinion of the Office of the General Counsel (OGC) that this matter is not reportable to the Intelligence Oversight Board (IOB). Rather, it should be maintained in the control file for periodic review by Counsel to the IOB. Our analysis follows.(U) ~~Derived From : G-3~~
~~Declassify On: X1~~**Reference:** (U) 278-HQ-C1229736-VTO Serial 2213(S) [REDACTED]
b1 (U)
b2 (U)
b7EALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE~~SECRET~~DATE: 06-04-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 06-04-2032b6
b7COIG/DOJ REVIEW
FBI INVESTIGATION

DATE: 4-17-07

OIG/DOJ INVESTIGATION: [REDACTED]

NSL VIO-1812

~~SECRET~~

To: [REDACTED] From: Office of the General Counsel
Re: (U) 278-HQ-C1229736-VIO, 03/20/2007

(U)

Details: ~~(S)~~ By EC dated 02/20/2007 [REDACTED] requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. As explained below, in our opinion, the FBI is not required to report this matter to the IOB.

b2

b7E

(U) ~~(S)~~ As explained in the above referenced EC, during a review of several counterintelligence case files (referenced above), [REDACTED] discovered that, in response to NSLs issued in those cases for limited credit report information (pursuant to the authority under 15 U.S.C. §§ 1681u(a) and (b)), the providers had sometimes issued [REDACTED]. Those reports were obtained as follows:

1) [REDACTED] NSLs issued [REDACTED]

[REDACTED] sent a [REDACTED]

2) [REDACTED] NSLs issued [REDACTED]

[REDACTED] sent [REDACTED]

3) [REDACTED] NSLs issued [REDACTED]

[REDACTED] sent [REDACTED]

4) [REDACTED] NSLs issued [REDACTED]

[REDACTED] sent [REDACTED]

5) [REDACTED] NSLs issued [REDACTED]

agencies. [REDACTED] sent [REDACTED]

(U) The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 09/13/1993, by Executive Order 12863, the President renamed it the Intelligence Oversight Board (IOB) and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.

(U) Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division (INSD), and the General Counsel, Office of the General Counsel (OGC), respectively) report to the IOB intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential

~~SECRET~~

~~SECRET~~

b2
b7E

To: [REDACTED] From: Office of the General Counsel
Re: (U) 278-HQ-C1229736-VIO, 03/20/2007

Directive. This language has been interpreted to mandate the reporting of any violation of a provision of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights.

Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB. The FBI Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(U)

(S) NSLs are a specific type of investigative tool that allows the FBI to obtain certain limited types of information without court intervention: (1) telephone and email communication records from telephone companies and internet service providers (Electronic Communications Privacy Act, 18 U.S.C. § 2709); (2) records of financial institutions (which is very broadly defined) (Right to Financial Privacy Act, 12 U.S.C. § 3414(a)(5)(A)); (3) a list of financial institutions and consumer identifying information from a credit reporting company (Fair Credit Reporting Act, 15 U.S.C. §§ 1681u(a) and (b)); and (4) full credit report in an international terrorism case (Fair Credit Reporting Act, 15 U.S.C. § 1681v). NSLs may be issued in conformity with statutory requirements, including 18 U.S.C. § 2709

b1

(U) (S) Here, during five authorized investigations, the FBI properly served NSLs [REDACTED] In response to the properly served NSLs, the FBI obtained [REDACTED] instead of the more limited [REDACTED] [REDACTED] which was requested. Once information not requested is received, the field should contact the company and ask whether the unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.

b2
b7E

(U) Based upon these facts, in accordance with the terms implementing the reporting requirements of Section 2.4 of EO 12863, it is our opinion that this error is not reportable to the IOB. A record of this decision should be maintained in the control file for future review by the Counsel to the IOB.

~~SECRET~~

~~SECRET~~

To: [REDACTED] From: Office of the General Counsel
Re: (U) 278-HQ-C1229736-VIO, 03/20/2007

b2
b7E

LEAD(s):

Set Lead 1: (Action)



(U) [REDACTED] Field Office should contact the credit companies and ask whether the unintentionally acquired information should be returned or destroyed with appropriate documentation to the file.

Set Lead 2: (Action)

INSPECTION

AT WASHINGTON, DC

(U) INSD should retain a record of the report of the potential IOB matter, as well as a copy of the OGC opinion concluding that IOB notification is not required, for three years for possible review by the Counsel to the IOB.

Set Lead 3: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) Read and clear.

CC: Ms. Thomas



b6 IOB Library
b7C

♦♦

~~SECRET~~

SECRET

FEDERAL BUREAU OF INVESTIGATION

b2
b7c

Precedence: ROUTINE

Date: 02/20/2007

To: Inspection
General CounselAttn: IIS, Room 11861
Attn: NSLB, Room 7975

From: [REDACTED]

Contact: SA [REDACTED]

b2
b7E
b6
b7C

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: (S) 278-HQ-C1229736-VIO (Pending) - a213

* (1) (S)
* (2) (S)
* (3) (S)
* (4) (S)
* (5) (S)b1
b2
b7E
b7A Title: (U) REPORT OF A POTENTIAL IOB MATTER

Synopsis: (X) (C) To report a potential IOB matter.

(U) (S) Derived From: G-3
Declassify On: 02/20/2032

(U) Reference: 278-HQ-C1229736 Serial 2570

b1
b6
b7C
b2
b7EDetails: (S) On 02/15/2007, the writer discovered a potential Intelligence Oversight Board (IOB) matter when reviewing several counterintelligence case files in the process of issuing additional National Security Letters (NSLs). Under the Fair Credit Reporting Act, Title 15, United States Code, Sections 1681u(a) and (b), the FBI can obtain a list of financial institutions and consumer identifying information from a credit reporting company. Under Section 1681v, however, the FBI can obtain a full credit report only in an international terrorism case. In five separate cases the [REDACTED] FBI issued NSLs under Sections 1681u(a)

[REDACTED] limited reports, the [REDACTED] FBI received [REDACTED] from sometimes as many as two of [REDACTED] providers. These are provider errors. During all relevant times, the writer was the case agent and the writer's supervisor was SSA [REDACTED]

* OGC handled all 5 cases as one OGC#. *

b6
b7CSC Miller
CR8 [REDACTED]
KAO 02/25/07
DATE: 06-04-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY DM: 06-04-2032

SECRET

(200) [REDACTED]
b2
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE
NSL VIO-1816

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION****Precedence:** ROUTINE**Date:** 03/20/2007**To:** [REDACTED]**Attn:** SAC
CDC
[REDACTED]- SSA
SA [REDACTED]Inspection
Counterintelligence**Attn:** IIS
Attn: CD-[REDACTED]b2
b7E
b6
b7C**From:** Office of the General Counsel
National Security Law Branch/CIVIL/Room 7047
Contact: AGC [REDACTED]**Approved By:** Thomas Julie [REDACTED]**Drafted By:** [REDACTED]**Case ID #:** (U) 278-HQ-C1229736-VIO (Pending) 3192

(S)

(U)

(U)

(U)

(U)

b1
b7A
b2b7E **Title:** (S) INTELLIGENCE OVERSIGHT BOARD
b2 MATTER 2007 [REDACTED](U) **Synopsis:** (X) It is the opinion of the Office of the General Counsel (OGC) that this matter is not reportable to the Intelligence Oversight Board (IOB). Rather, it should be maintained in the control file for periodic review by Counsel to the IOB. Our analysis follows.(U) **Derived From:** G-3
Declassify On: X1**Reference:** (U) 278-HQ-C1229736-VIO Serial 2213

(S)

(U)

(U)

(U)

b1

(U)

b7A

(U)

DATE: 06-04-2007 b2
CLASSIFIED BY 6517 b7E ESR/JW
REASON: 1.4 (C)

DECLASSIFY ON: 06-04-203

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE~~SECRET~~**OIG/DOJ REVIEW** [REDACTED] **DATE:** 4-17-07b6 **FBI INVESTIGAT** [REDACTED]b7C **OIG/DOJ INVESTIGATION:** [REDACTED]

NSL VIO-1820

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

b2

2007

[Redacted]

Precedence: ROUTINE

Date: 02/20/2007

To: Inspection
General CounselAttn: IIS, Room 11861
Attn: NSLB, Room 7975

From: [Redacted]

Contact: SA [Redacted]

b2

b7E

b6

b7C

Approved By: [Redacted]

Drafted By: [Redacted]

(U) Case ID #: (S) 278-HQ-C1229736-VIO (Pending) - 2213

b1

b7A *

b2

b7E

(1) (S)
(2) (S)
(3) (S)
(4) (S)
(5) (S)

(U) Title: (U) REPORT OF A POTENTIAL IOB MATTER

Synopsis: (S) To report a potential IOB matter.

(U) (S) Derived From: G-3
Declassify On: 02/20/2032

Reference: 278-HQ-C1229736 Serial 2570

(U)

Details: (S) [Redacted], the writer discovered a potential Intelligence Oversight Board (IOB) matter when reviewing several counterintelligence case files in the process of issuing additional National Security Letters (NSLs). Under the Fair Credit Reporting Act, Title 15, United States Code, Sections 1681u(a) and (b), the FBI can obtain a list of financial institutions and consumer identifying information from a credit reporting company. Under Section 1681v, however, the FBI can obtain a full credit report only in an international terrorism case. In five separate cases, [Redacted] FBI issued NSLs under Sections 1681u(a) for [Redacted]

Instead of these limited reports, [Redacted] FBI received [Redacted] from sometimes as many as two of [Redacted] providers. These are provider errors. During all relevant times, the writer was the case agent and the writer's supervisor was SSA [Redacted]

SC Miller

* OGC handled all 5 cases as one OGC#. **

CRS

Kas 04/26/07

SECRET

(2007)

b6

b7C

DATE: 06-04-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 06-04-2032ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

b2

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION****Precedence:** ROUTINE**Date:** 03/20/2007**To:****Attn:** SAC
CDC- SSA
- SAb2
b7E
b6
b7CInspection
Counterintelligence**Attn:** IIS
Attn:**From:** Office of the General Counsel

National Security Law Branch/CILJU/Room 7947

Contact: AGC**Approved By:** Thomas Julie R/W/Y/U

(C)

Drafted By:

3192

Case ID #: (U) 278-HQ-C1229736-VIO

b1

b7A

b2

b7E

Title: (S) INTELLIGENCE OVERSIGHT BOARD
b2 MATTER 2007-

(U)

Synopsis: ~~VS~~ It is the opinion of the Office of the General Counsel (OGC) that this matter is not reportable to the Intelligence Oversight Board (IOB). Rather, it should be maintained in the control file for periodic review by Counsel to the IOB. Our analysis follows.

(U)

Derived From: G-3**Declassify On:** X1**Reference:** (U) 278-HQ-C1229736-VIO Serial 2213

(S)

b1

b7A

b2

b7E

(U) INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN~~SECRET~~DATE: 06-04-2007
CLASSIFIED BY 63179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 06-04-2032OIG/DOJ REVIEW
FBI INVESTIGAT

OIG/DOJ INVESTIGATION:

DATE: 4/19/07

(m)

NSL VIO-1828

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION**

b2

Precedence: ROUTINE

Date: 02/20/2007

To: Inspection
General CounselAttn: IIS, Room 11861
Attn: NSLB, Room 7975

From: [redacted]

Contact: SA [redacted]

b2 Approved By: [redacted]

b7E

b6

b7C Approved By: [redacted]

(U)

Case ID #: (S) 278-HQ-C1229736-VIO (Pending) - 1213

① (S)
② (S)
③ (S)
b1 * (S)
b7A (S)
b2 (S)

(U) TIP b7E (U) REPORT OF A POTENTIAL IOB MATTER

DATE: 06-04-2007

CLASSIFIED BY 65179 DMH/KSR/JW

REASON: 1.4 (C)

DECLASSIFY ON: 06-04-2032

(U) Synopsis: (S) To report a potential IOB matter.

(U) (S) Derived From: G-3
Declassify On: 02/20/2032ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Reference: 278-HQ-C1229736 Serial 2570

(U) Details: (S) On 02/15/2007, the writer discovered a potential Intelligence Oversight Board (IOB) matter when reviewing several counterintelligence case files in the process of issuing additional National Security Letters (NSLs). Under the Fair Credit Reporting Act, Title 15, United States Code, Sections 1681u(a) and (b), the FBI can obtain a list of financial institutions and consumer identifying information from a credit reporting company. Under Section 1681v, however, the FBI can obtain a full credit report only in an international terrorism case. In five separate cases, [redacted] FBI issued NSLs under Sections 1681u(a) for [redacted]

b6
b7C
b2
b7E

Instead of these limited reports, [redacted] FBI received [redacted] from sometimes as many as two of [redacted] providers. These are provider errors. During all relevant times, the writer was the case agent and the writer's supervisor was SSA [redacted]

** CCC Handled by SC Miller 8/25/07
CRS [redacted] 04/25/07 b6
b7C~~SECRET~~

(2007) [redacted]

b2

NSL VIO-1832

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION****Precedence:** ROUTINE**Date:** 03/20/2007b2
b7E
b6
b7CInspection
Counterintelligence**Attn:** SAC
CDC- SSA
- SA**Attn:** IIS**Attn:****From:** Office of the General Counsel
National Security Law Branch/CIVIL/Room 7917
Contact: AGC**Approved By:** Thomas Julie R. *(initials)***Drafted By:**(S) **Case ID #:** (U) 278-HQ-C1229736-VIO *(Pending)*b1 (U)
b7A (U)
b6 (U)
b7C (U)**Title:** (S) b2 INTELLIGENCE OVERSIGHT BOARD
(U) MATTER 2007**Synopsis:** ~~(S)~~ It is the opinion of the Office of the General Counsel (OGC) that this matter is not reportable to the Intelligence Oversight Board (IOB). Rather, it should be maintained in the control file for periodic review by Counsel to the IOB. Our analysis follows.(U) **Derived From :** G-3
Declassify On: X1**Reference:** (U) 278-HQ-C1229736-VIO Serial 2213(S) b1 (U)
b7A (U)
b2 (U)
b7EALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISEb6
b7COIG/DOJ REVIEW
FBI INVESTIGAT
OIG/DOJ INVESTIGATION:~~SECRET~~DATE: 06-04-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 06-04-2032DATE: *4-19-07*

NSL VIO-1836

~~SECRET~~

b2

FEDERAL BUREAU OF INVESTIGATION

2007



Precedence: ROUTINE

Date: 02/20/2007

To: Inspection
General CounselAttn: IIS, Room 11861
Attn: NSLB, Room 7975

From: [redacted]

Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted]

(U) Case ID #: (S) 278-HQ-C1229736-VIO (Pending) - 2213

(1) (S)
(2) (S)
(3) (S)
(4) (S)
* (5) (S)b1
b7A
b2
b7E

Title: (U) REPORT OF A POTENTIAL IOB MATTER

(U) Synopsis: (S) To report a potential IOB matter.

(U) (S) Derived From: G-3
Declassify On: 02/20/2032

Reference: 278-HQ-C1229736 Serial 2570

(U) Details: (S) On 02/15/2007, the writer discovered a potential Intelligence Oversight Board (IOB) matter when reviewing several counterintelligence case files in the process of issuing additional National Security Letters (NSLs). Under the Fair Credit Reporting Act, Title 15, United States Code, Sections 1681u(a) and (b), the FBI can obtain a list of financial institutions and consumer identifying information from a credit reporting company. Under Section 1681v, however, the FBI can obtain a full credit report only in an international terrorism case. In five separate cases, the [redacted] FBI issued NSLs under Sections 1681u(a) for [redacted]

b6
b7C
b2
b7E

Instead of these limited reports, [redacted] FBI received [redacted] from sometimes as many as two of [redacted] providers. These are provider errors. During all relevant times, the writer was the case agent and the writer's supervisor was SSA [redacted]

b6
b7C CRS

Sc Miller DM 4/24/07 SECRET

DATE: 06-04-2007
CLASSIFIED BY 65179 DMH/KSR/JW
REASON: 1.4 (C)
DECLASSIFY ON: 06-04-2032ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

NSL VIO-1840

b2

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION****Precedence:** ROUTINE**Date:** 03/20/2007

To: [redacted]

Attn: SAC
CDCSSA
SAInspection
Counterintelligence**Attn:** IIS
Attn: [redacted]**From:** Office of the General Counsel
National Security Law Branch/CILII/Room 7047
Contact: AGC [redacted]b2
b7E
b6
b7C**Approved By:** Thomas Julie [redacted]**Drafted By:** [redacted]

3192

Case ID #: (U) 278-HQ-C1229736-VTO [redacted](S) [redacted]
b1 [redacted]
b7A [redacted]
b2 [redacted]
(U) T b7E [redacted]INTELLIGENCE OVERSIGHT BOARD
MATTER 2007-737(U) **Synopsis:** [redacted] It is the opinion of the Office of the General Counsel (OGC) that this matter is not reportable to the Intelligence Oversight Board (IOB). Rather, it should be maintained in the control file for periodic review by Counsel to the IOB. Our analysis follows.(U) ~~Derived From : G-3~~
~~Declassify On: X1~~**Reference:**

(U) 278-HQ-C1229736-VTO-213

(S) [redacted]
b1 [redacted]
b2 [redacted]
b7E [redacted]
b7A [redacted]DATE: 06-04-2007
CLASSIFIED BY 65179 DMH/KSR/JU
REASON: 1, 4 (C)
DECLASSIFY ON: 06-~~SECRET~~ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISEb6
b7C

OIG/DOJ REV

FBI INVESTIG

OIG/DOJ INVESTIGATION

DATE: 4-19-07

(by)

NSL VIO-1844

FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

No Duplication Fees are charged for Deleted Page Information Sheet(s).

Total Deleted Page(s) ~ 32

Page 33 ~ Duplicate

Page 34 ~ Duplicate

Page 104 ~ Duplicate

Page 105 ~ Duplicate

Page 106 ~ Duplicate

Page 107 ~ Duplicate

Page 142 ~ Duplicate

Page 143 ~ Duplicate

Page 166 ~ Duplicate

Page 167 ~ Duplicate

Page 168 ~ Duplicate

Page 170 ~ Duplicate

Page 171 ~ Duplicate

Page 172 ~ Duplicate

Page 174 ~ Duplicate

Page 175 ~ Duplicate

Page 176 ~ Duplicate

Page 178 ~ Duplicate

Page 179 ~ Duplicate

Page 180 ~ Duplicate

Page 182 ~ Duplicate

Page 183 ~ Duplicate

Page 184 ~ Duplicate

Page 186 ~ Duplicate

Page 187 ~ Duplicate

Page 188 ~ Duplicate

Page 190 ~ Duplicate

Page 191 ~ Duplicate

Page 192 ~ Duplicate

Page 194 ~ Duplicate

Page 195 ~ Duplicate

Page 196 ~ Duplicate